

ELECTION DAY VOTING CENTERS

2011 GENERAL SESSION

STATE OF UTAH

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Senate Sponsor: Peter C. Knudson

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LONG TITLE

General Description:

This bill amends the Election Code to authorize an election officer to operate an election day voting center.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes an election officer to operate a voting center at which a voter residing within the political subdivision may vote on election day;
- ▶ provides requirements for election day voting centers;
- ▶ requires a voter at an election day voting center to use a ballot that is retrievable if the voting center is not designated as a polling place for the voter's precinct;
- ▶ requires notice of an election day voting center location;
- ▶ requires the lieutenant governor to report to an interim committee;
- ▶ sets a repeal date for the reporting requirement to the interim committee; and
- ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill coordinates with H.B. 33, Election Law Revisions, by merging technical and
33 substantive amendments.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-4-107**, as last amended by Laws of Utah 2010, Chapter 197

37 **20A-5-101**, as last amended by Laws of Utah 2009, Chapter 388

38 **20A-7-801**, as enacted by Laws of Utah 2007, Chapter 83

39 **63I-2-220**, as last amended by Laws of Utah 2008, Chapter 148 and renumbered and
40 amended by Laws of Utah 2008, Chapter 382

41 ENACTS:

42 **20A-3-701**, Utah Code Annotated 1953

43 **20A-3-702**, Utah Code Annotated 1953

44 **20A-3-703**, Utah Code Annotated 1953

45 **20A-3-704**, Utah Code Annotated 1953

46 **Utah Code Sections Affected by Coordination Clause:**

47 **20A-4-107**, as last amended by Laws of Utah 2010, Chapter 197



49 *Be it enacted by the Legislature of the state of Utah:*

50 Section 1. Section **20A-3-701** is enacted to read:

51 **Part 7. Election Day Voting Center**

52 **20A-3-701. Definitions.**

53 As used in this part:

54 (1) "Election day voting center" means a polling place designated by an election officer
55 to provide for voting on election day for a person who:

56 (a) is eligible to vote; and

57 (b) resides within the political subdivision holding the election.
58 (2) "Voting center ballot" means a regular ballot that:
59 (a) is provided at an election day voting center; and
60 (b) may be retrieved by the election official during the canvass if the voter cast a ballot
61 at another location or before election day.

62 Section 2. Section **20A-3-702** is enacted to read:

63 **20A-3-702. Election day voting center -- Hours of operations -- Compliance with**
64 **Election Code.**

65 (1) An election officer may operate an election day voting center in one or more
66 locations designated under Section 20A-3-703.

67 (2) An election officer shall provide for voting at an election day voting center by:

68 (a) regular ballot if:

69 (i) the election day voting center is designated under Section 20A-5-403 as the polling
70 place for the voting precinct in which the voter resides; and

71 (ii) the voter is eligible to vote using a regular ballot in accordance with this title;

72 (b) voting center ballot if:

73 (i) the election day voting center is not designated under Section 20A-5-403 as the
74 polling place for the voting precinct in which the voter resides;

75 (ii) the voter resides within the political subdivision holding the election; and

76 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this
77 title; or

78 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
79 accordance with this title.

80 (3) An election officer shall ensure that an election day voting center:

81 (a) is open on election day during the time period specified under Section 20A-1-302;

82 (b) allows an eligible voter to vote if the voter:

83 (i) resides within the political subdivision holding an election; and

84 (ii) arrives at the election day voting center by the designated closing time in

85 accordance with Section 20A-1-302; and

86 (c) is administered according to the requirements of this title.

87 Section 3. Section **20A-3-703** is enacted to read:

88 **20A-3-703. Election day voting centers as polling places -- Location --**

89 **Notification.**

90 The election officer may designate one or more polling places as an election day voting
91 center if:

92 (1) the election officer notifies the lieutenant governor of the designation and location
93 of an election day voting center at least 15 days before the election;

94 (2) a polling place meets the requirements for a polling place under Chapter 5, Election
95 Administration; and

96 (3) a polling place is located in a government building or office, unless the election
97 officer determines that there is no government building or office available, in the area
98 designated by the election officer, that:

99 (a) can be scheduled for use during election day voting hours;

100 (b) has the physical facilities necessary to accommodate election day voting
101 requirements;

102 (c) has adequate space for voting equipment, poll workers, and voters; and

103 (d) has adequate security, public accessibility, and parking.

104 Section 4. Section **20A-3-704** is enacted to read:

105 **20A-3-704. Report by election officer.**

106 (1) An election officer who operates an election day voting center shall provide the
107 lieutenant governor with the information described in Subsection (2) for the election officer's
108 political subdivision.

109 (2) The lieutenant governor shall report to the Government Operations Interim
110 Committee on:

111 (a) the number of election day voting centers available;

112 (b) the number of voting center ballots cast at an election day voting center;

113 (c) the number of voting center ballots not counted because the voter cast a ballot at
114 another location or before election day; and

115 (d) any recommendations for amendments to this part.

116 (3) The lieutenant governor and an election officer described in this section shall report
117 on the use of an election day voting center during the previous general election before:

118 (a) November 1, 2013; and

119 (b) November 1, 2015.

120 Section 5. Section **20A-4-107** is amended to read:

121 **20A-4-107. Review and disposition of provisional ballot envelopes.**

122 (1) As used in this section, a voter is "legally entitled to vote" if:

123 (a) the voter:

124 (i) is registered to vote in the state;

125 [~~ii) resides within the voting precinct where the voter seeks to vote; and]~~

126 (ii) votes the ballot for the voting precinct in which the voter resides; and

127 (iii) provided valid voter identification to the poll worker [~~as indicated by a notation in~~
128 ~~the official register];~~

129 (b) the voter:

130 (i) is registered to vote in the state;

131 (ii) (A) provided valid voter identification to the poll worker [~~as indicated by a notation~~
132 ~~in the official register]; or~~

133 (B) either failed to provide valid voter identification or the documents provided as
134 valid voter identification were inadequate and the poll worker recorded that fact in the official
135 register but the county clerk verifies the voter's identity and residence through some other
136 means; and

137 (iii) did not vote in the voter's precinct of residence, but the ballot that the voter voted
138 is identical to the ballot voted in the voter's precinct of residence; or

139 (c) the voter:

140 (i) is registered to vote in the state;

141 (ii) either failed to provide valid voter identification or the documents provided as
142 valid voter identification were inadequate and the poll worker recorded that fact in the official
143 register; and

144 (iii) (A) the county clerk verifies the voter's identity and residence through some other
145 means as reliable as photo identification; or

146 (B) the voter provides valid voter identification to the county clerk or an election
147 officer who is administering the election by the close of normal office hours on Monday after
148 the date of the election.

149 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
150 the affirmation on the face of each provisional ballot envelope and determine if the person
151 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
152 voted.

153 (b) If the election officer determines that the person is not a registered voter or is not
154 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
155 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
156 produce or count it.

157 (c) If the election officer determines that the person is a registered voter and is legally
158 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
159 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
160 those ballots at the canvass.

161 (d) The election officer may not count, or allow to be counted a provisional ballot
162 unless the voter's identity and residence is established by a preponderance of the evidence.

163 (3) If the election officer determines that the person is a registered voter, the election
164 officer shall ensure that the voter registration records are updated to reflect the information
165 provided on the provisional ballot envelope.

166 (4) If the election officer determines that the person is not a registered voter and the
167 information on the provisional ballot envelope is complete, the election officer shall:

168 (a) consider the provisional ballot envelope a voter registration form; and

169 (b) register the voter.

170 Section 6. Section **20A-5-101** is amended to read:

171 **20A-5-101. Notice of election.**

172 (1) On or before February 1 in each regular general election year, the lieutenant
173 governor shall prepare and transmit a written notice to each county clerk that:

174 (a) designates the offices to be filled at the regular general election;

175 (b) identifies the dates for filing a declaration of candidacy for those offices; and

176 (c) contains a description of any ballot propositions to be decided by the voters that
177 have qualified for the ballot as of that date.

178 (2) (a) No later than February 15, each county clerk shall:

179 (i) publish a notice:

180 (A) once in a newspaper published in that county; and

181 (B) as required in Section 45-1-101; or

182 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
183 give notice of the election to the voters in each voting precinct within the county; and

184 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
185 where the notice was posted.

186 (b) The notice required by Subsection (2)(a) shall:

187 (i) designate the offices to be voted on in that election in that county, other than local
188 district offices; and

189 (ii) identify the dates for filing a declaration of candidacy for those offices.

190 (3) Before each election, the election officer shall give written or printed notice of:

191 (a) the date and place of election;

192 (b) the hours during which the polls will be open;

193 (c) the polling places for each voting precinct; ~~and~~

194 (d) an election day voting center designated under Section 20A-3-703; and

195 ~~(e)~~ (e) the qualifications for persons to vote in the election.

196 (4) To provide the notice required by Subsection (3), the election officer shall publish

197 the notice at least two days before the election:

198 (a) in a newspaper of general circulation common to the area or in which the election is
199 being held; and

200 (b) as required in Section 45-1-101.

201 Section 7. Section **20A-7-801** is amended to read:

202 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
203 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
204 **Frequently asked voter questions -- Other elections.**

205 (1) There is established the Statewide Electronic Voter Information Website Program
206 administered by the lieutenant governor in cooperation with the county clerks for general
207 elections and municipal authorities for municipal elections.

208 (2) In accordance with this section, and as resources become available, the lieutenant
209 governor, in cooperation with county clerks, shall develop, establish, and maintain a
210 state-provided Internet website designed to help inform the voters of the state of:

211 (a) the offices and candidates up for election; and

212 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
213 of ballot propositions submitted to the voters.

214 (3) Except as provided under Subsection (6), the website shall include:

215 (a) all information currently provided in the Utah voter information pamphlet under
216 Title 20A, Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
217 analyzed, and submitted by the Judicial Council describing the judicial selection and retention
218 process;

219 (b) all information submitted by election officers under Subsection (4) on local office
220 races, local office candidates, and local ballot propositions; [~~and~~]

221 (c) a list that contains the name of a political subdivision that operates an election day
222 voting center under Section 20A-3-703 and the location of the election day voting center; and

223 [~~(c)~~] (d) other information determined appropriate by the lieutenant governor that is
224 currently being provided by law, rule, or ordinance in relation to candidates and ballot

225 questions.

226 (4) (a) An election official shall submit the following information for each ballot label
227 under the election official's direct responsibility under this title:

228 (i) a list of all candidates for each office;

229 (ii) if submitted by the candidate to the election official's office on or before August 20
230 at 5 p.m.:

231 (A) a statement of qualifications, not exceeding 200 words in length, for each
232 candidate;

233 (B) the following biographical information if desired by the candidate, current:

234 (I) age;

235 (II) occupation;

236 (III) city of residence;

237 (IV) years of residence in current city; and

238 (V) email address; and

239 (C) a single web address where voters may access more information about the
240 candidate and the candidate's views; and

241 (iii) factual information pertaining to all ballot propositions submitted to the voters,
242 including:

243 (A) a copy of the number and ballot title of each ballot proposition;

244 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
245 vote was required to place the ballot proposition on the ballot;

246 (C) a complete copy of the text of each ballot proposition, with all new language
247 underlined and all deleted language placed within brackets; and

248 (D) other factual information determined helpful by the election official.

249 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
250 governor no later than one business day after the deadline under Subsection (4)(a) for each
251 general election year and each municipal election year.

252 (c) The lieutenant governor shall:

- 253 (i) review the information submitted under this section prior to placing it on the
254 website to determine compliance under this section;
- 255 (ii) refuse to post information submitted under this section on the website if it is not in
256 compliance with the provisions of this section; and
- 257 (iii) organize, format, and arrange the information submitted under this section for the
258 website.
- 259 (d) The lieutenant governor may refuse to include information the lieutenant governor
260 determines is not in keeping with:
- 261 (i) Utah voter needs;
- 262 (ii) public decency; or
- 263 (iii) the purposes, organization, or uniformity of the website.
- 264 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
265 Subsection (5).
- 266 (5) (a) A person whose information is refused under Subsection (4), and who is
267 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
268 lieutenant governor within 10 business days after the date of the determination. A notice of
269 appeal submitted under this Subsection (5)(a) shall contain:
- 270 (i) a listing of each objection to the lieutenant governor's determination; and
- 271 (ii) the basis for each objection.
- 272 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
273 response within 10 business days after the notice of appeal is submitted.
- 274 (c) An appeal of the response of the lieutenant governor shall be made to the district
275 court, which shall review the matter de novo.
- 276 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
277 enter the voter's address information on the website to retrieve information on which offices,
278 candidates, and ballot propositions will be on the voter's ballot at the next general election or
279 municipal election.
- 280 (b) The information on the website will anticipate and answer frequent voter questions

281 including the following:

- 282 (i) what offices are up in the current year for which the voter may cast a vote;
- 283 (ii) who is running for what office and who is the incumbent, if any;
- 284 (iii) what address each candidate may be reached at and how the candidate may be
- 285 contacted;
- 286 (iv) for partisan races only, what, if any, is each candidate's party affiliation;
- 287 (v) what qualifications have been submitted by each candidate;
- 288 (vi) where additional information on each candidate may be obtained;
- 289 (vii) what ballot propositions will be on the ballot; and
- 290 (viii) what judges are up for retention election.

291 (7) By not later than March 1, 2008, the lieutenant governor shall have the Statewide
292 Electronic Voter Information Website Program ready for use in the next election in accordance
293 with this section.

294 (8) As resources are made available and in cooperation with the county clerks, the
295 lieutenant governor may expand the electronic voter information website program to include
296 the same information as provided under this section for special elections and primary elections.

297 Section 8. Section **63I-2-220** is amended to read:

298 **63I-2-220. Repeal dates, Title 20A.**

299 (1) Section 20A-2-107.5 is repealed July 1, 2013.

300 (2) Section 20A-3-704 is repealed January 1, 2016.

301 Section 9. **Coordinating H.B. 130 with H.B. 33 -- Merging technical and**
302 **substantive amendments.**

303 If this H.B. 130 and H.B. 33, Election Law Revisions, both pass, it is the intent of the
304 Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah
305 Code database for publication merge the changes from both bills to modify Subsection
306 20A-4-107(1)(a)(ii) to read:

307 "(ii) votes the ballot for the voting precinct in which the person resides; and".