

**Government Operations Interim Committee**  
**June 20, 2012**  
**Election issues raised by the Lt. Governor**

1. Give the chief elections officer authority during a declared emergency to designate alternative methods and deadlines for returning absentee ballots
  - Amend Sections 20A-3-306, 20A-3-306.5, 20A-16-404, and 20A-16-408 regarding how and when to vote and return an absentee ballot
  - Further amendments may be necessary to sections regarding how and when an absentee ballot is counted
  - Options for execution:
    - Amend Section 20A-2-300.6 regarding duties of chief elections officer
    - Authorize the Governor to issue an executive order
  - What kind of emergency qualifies?
  
2. Change deadline to replace a candidate's name on the ballot
  - Amend Section 20A-1-501 regarding when a new candidate may be certified
  - How much time do the clerks need to prepare the ballot for mailing?
  - If a candidate is removed from the ballot after it is mailed, how should votes for that candidate be counted?
    - Not counted? Counted for the replacement candidate?
  
3. Change the date on which an absentee ballot:
  - may be requested; or
  - voted and mailed
    - Amend Sections 20A-3-304 and/or 20A-3-306
    - What should the new deadline be?
  
4. Change the requirement for filing a declaration of candidacy in-person.
  - Amend Section 20A-9-202 to make an exception to the in-person rule
  - Scope of the exception: military and overseas voters? temporarily located outside the state? anyone?
  - Specify an alternative method for filing
    - designated agent, telephone, video
  
5. Schedule a special election and municipal primary election on the same day
  - Amend Section 20A-1-204
  - require state and local special elections to be held on the same day as a general or primary election
  
6. Repeal Sections 20A-11-102 and 20A-11-1101, which require a media owner to file a financial statement if influencing voting at an election.
  
7. Address when a Lt. Governor candidate files a declaration of candidacy
  - Amend 20A-9-202
  - Before the convention and/or primary election?

8. Require a candidate for legislative office to register a campaign finance committee before raising or expending any funds
  - Amend Title 20A, Chapter 11
  - Should this apply to any candidate regulated by Chapter 11?
  - What kind of filing should there be before the declaration of candidacy?
  - How often should the candidate file reports?
9. Prohibit county and municipal candidates from using campaign funds for personal use
  - Amend Sections 10-3-208 and 17-16-6.5
  - Use the same definition of "personal use" in Section 20A-11-104?
10. Authorize the Lt. Governor to fine a reporting entity that fails to file a financial statement
  - Amend Title 20A, Chapter 11 to remove references to fines
  - Let Section 20A-11-1005 control
11. Standardize criminal provisions in Title 20A, Election Code
  - Allow prosecutorial discretion (may versus shall)
  - Do not specify the prosecutor
12. Base signatures requirements for changing the form of county government on votes cast for president
  - Amend Sections 17-52-203 and 17-52-206
13. Address candidacy for lieutenant governor
  - Address withdrawing as another candidate
  - Amend Section 20A-9-201 to allow more than one declaration of candidacy in an election year
14. Increase the filing fee for candidates
  - Amend Section 20A-9-201
  - What should the filing fee amount be?
15. Require a person or group sponsoring an absentee ballot "drive" to register
  - Amend Section 20A-3-304
  - Penalties similar to Section 20A-2-301 (failing to deliver completed voter registration forms)?
  - Deadline to turn in the applications?
  - Who should the person register with? The Lt. Governor? The county clerk?
  - Is registration required for both paper and electronic applications?
16. Election Complaints
  - Further recommendations on how to address issues related to election complaints will come from the Lt. Governor later in the interim

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**Options for Possible Committee Bill Files**

1. Open one committee bill file per issue
2. Place Issue # 12 and additional clean-up issues in "Election Law Amendments"
3. Combine related issues into the following bill files:
  - "Elections During Declared Emergency": Issue 1
  - "Candidate Amendments": Issues 2, 4, 7, 13, 14
  - "Absentee Ballot Amendments": Issues 3, 15
  - "Special Elections": Issue 5
  - "Campaign Finance Amendments": Issues 6, 8, 9, 10
  - "Criminal Provisions in the Election Code": Issue 11
  - "Election Complaints": Issue 16

