OFFICE OF THE LIEUTENANT GOVERNOR

Election Issues for Consideration by the Government Operations Interim Committee
May 16, 2012

Policy Issues

1. During a period of a declared emergency where a short time frame for ballot transmission exist, should the chief election officer have authority to designate alternative methods and deadlines for returning absentee ballots to ensure all voters, including military and overseas voters, have the opportunity to have their vote counted?

2. Candidates may be replaced under certain circumstances until 30 days before the election. Absentee ballots are required to be sent no later than 45 days before the election. Replacing the candidate's name on the ballot becomes very difficult once ballots are sent. Should the deadline to replace candidates be adjusted to match when absentee ballots are sent or should the votes cast for the withdrawing candidate transfer to the new candidate even if the replacement candidate is not named on the ballot?

3. Absentee ballots must be requested by the Friday before the election and postmarked before Election Day in order for them to count. In light of U.S. Post Office cutbacks, should the request deadline be moved earlier to allow more transit time and/or postmark deadline for voted absentee ballots be moved to Election Day?

4. Folks wishing to be a candidate must file a declaration of candidacy during the filing period and this must be done in-person. Military and overseas citizens have a difficult time coming in-person to file. Does the Legislature wish to allow alternatives methods for military and overseas citizens who want to file a declaration of candidacy?

5. Special elections may only be held on the first Tuesday after the first Monday in November or the fourth Tuesday in June. Municipal primary elections are held on the second Tuesday following the first Monday in August. Should special elections and municipal primary election be held on the same day?

6. Utah Code 20A-11-102 and 1101 makes it a class B misdemeanor for an editor, manager, or other person controlling any newspaper or other periodical in Utah to print or cause to be printed any matter that is intended or tends to influence any voting at any election unless the media owner has filed a financial statement. Does the Legislature wish to remove this requirement?

7. A candidate for lieutenant governor must file a declaration of candidacy within five days of being nominated. A candidate is only nominated at the convention or primary. Does the Legislature wish to require a candidate for lieutenant governor to file before the convention and/or primary election?

8. Should a candidate for legislative office be required to register a campaign finance committee before raising or expending any funds, perhaps when the candidate begins to solicit for campaign funds?

9. Should county and municipal candidates be restricted in the personal use of campaign funds similar to the restrictions for state office candidates?

10. In certain circumstances, the Lieutenant Governor may issue a fine if a reporting entity fails to file the appropriate financial disclosure; however the statute contains conflicting language regarding which reports have fines. Does the Legislature wish to apply the fine to all financial disclosures reports or limit it to certain reports?

11. Criminal penalties in the Election Code are not consistent, in some places it limits who can prosecute violations and requires a prosecutor to pursue a prosecution even in a case where it may not serve the best interest of taxpayers and/or the defendant. Should the criminal penalties in the Election Code be made consistent, allow any prosecutor to pursue charges, and to allow for some discretion by the prosecutor on which cases should be prosecuted?

Clean Up Issues

1. The signatures requirements in Utah Code 17-52-203(2) and 206(1)(B)(I) should be associated with votes cast for president and not governor.

2. Clarify a candidate may withdraw if he/she withdraws to be a candidate for lieutenant governor and remove the restriction in Utah Code 20A-9-201(2)(a)(i) for these candidates allowing them to file more than one declaration of candidacy in any election year.