

1                                   **COUNTY RESPONSIBILITY FOR VOTING**  
2                                   **PRECINCTS AND POLLING PLACES**

3                                   2003 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Sponsor: Ron Bigelow**

6    ~~h [This act modifies statutes governing polling places for remote voting precincts by~~  
7    ~~establishing a geographic proximity requirement to evaluate remoteness.] h This act~~  
8    **modifies statutes governing common polling places by eliminating the requirement that**  
9    **voting precincts must be in the same legislative districts in order to be combined.**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12         ~~h [20A-3-302, as last amended by Chapter 183, Laws of Utah 1997] h~~

13         **20A-5-303**, as last amended by Chapter 225, Laws of Utah 2002

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

15         ~~h [Section 1. Section 20A-3-302 is amended to read:~~

16         ~~20A-3-302. Absentee voting -- No polling place for remote voting precincts:~~

17         ~~(1) Whenever, on the 60th day before an election, there are 300 or less persons~~  
18         ~~registered to vote in a voting precinct and a majority of those voters reside at least ten miles~~  
19         ~~from the polling place for the nearest contiguous voting precinct, the county legislative body of~~  
20         ~~the county in which the voting precinct is located may elect to administer an election entirely~~  
21         ~~by absentee ballot.~~

22         ~~(2) If the county legislative body of the county in which the voting precinct is located~~  
23         ~~decides to administer an election entirely by absentee ballot, the county clerk shall mail to each~~  
24         ~~registered voter within that voting precinct:~~

25         ~~(a) an absentee ballot;~~

26         ~~(b) a statement that there will be no polling place for the election;~~

27         ~~(c) instructions for returning the ballot that include an express notice about any] h~~



28 ~~h [relevant deadlines that the voter must meet in order for his vote to be counted; and~~  
 29 ~~—— (d) a warning, on a separate page of colored paper in bold face print, indicating that if~~  
 30 ~~the voter fails to follow the instructions included with the absentee ballot, he will be unable to~~  
 31 ~~vote in that election because there will be no polling place in the voting precinct on the day of~~  
 32 ~~the election.~~  
 33 ~~—— (3) Any voter who votes by absentee ballot under this subsection is not required to~~  
 34 ~~apply for an absentee ballot as required by this part.~~  
 35 ~~—— (4) (a) The county clerk of a county that administers an election entirely by absentee~~  
 36 ~~ballot shall:~~  
 37 ~~—— (i) obtain, in person, the signatures of each voter within that voting precinct before the~~  
 38 ~~election; and~~  
 39 ~~—— (ii) maintain the signatures on file in the county clerk's office.~~  
 40 ~~—— (b) (i) Upon receiving the returned absentee ballots, the county clerk shall compare the~~  
 41 ~~signature on each absentee ballot with the voter's signature that is maintained on file and verify~~  
 42 ~~that the signatures are the same.~~  
 43 ~~—— (ii) If the county clerk questions the authenticity of the signature on the absentee ballot,~~  
 44 ~~the clerk shall immediately contact the voter to verify the signature.~~  
 45 ~~—— (iii) If the voter does not confirm his signature on the absentee ballot, the county clerk~~  
 46 ~~shall:~~  
 47 ~~—— (A) immediately send another absentee ballot and other voting materials as required by~~  
 48 ~~this subsection to the voter; and~~  
 49 ~~—— (B) disqualify the initial absentee ballot.] h~~

50 Section ~~h [2.] 1.~~ ~~h~~ Section 20A-5-303 is amended to read:

51 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**  
 52 **Common polling places -- Combined voting precincts -- Counties.**

53 (1) (a) The county legislative body may establish, divide, abolish, and change voting  
 54 precincts.

55 (b) Within 30 days after the establishment, division, abolition, or change of a voting  
 56 precinct under this section, the county legislative body shall file with the Automated  
 57 Geographic Reference Center, created under Section 63A-6-202, a notice describing the action  
 58 taken and specifying the resulting boundaries of each voting precinct affected by the action.

59 (2) (a) The county legislative body shall alter or divide voting precincts so that each  
60 voting precinct contains not more than 1,000 active voters.

61 (b) The county legislative body shall:

62 (i) identify those precincts that may reach 1,000 active voters or become too large to  
63 facilitate the election process; and

64 (ii) divide those precincts before February 1.

65 (3) The county legislative body may not:

66 (a) establish or abolish any voting precinct after February 1, of a regular general  
67 election year; or

68 (b) alter or change the boundaries of any voting precinct after February 1, of a regular  
69 general election year.

70 (4) For the purpose of balloting on regular primary or regular general election day, the  
71 county legislative body may establish a common polling place for two or more whole voting  
72 precincts according to the following requirements:

73 (a) the total population of the voters authorized to vote at the common polling place  
74 may not exceed 3,000 active voters; and

75 ~~[(b) the voting precincts voting at the common polling place shall all lie within the  
76 same legislative district; and]~~

77 ~~[(c)]~~ (b) the voting precincts voting at, and the location of, the common polling place  
78 shall be designated at least 90 days before the election.

79 (5) In addition to the authorizations contained in Subsection (4), in regular primary  
80 elections only, the county legislative body may combine voting precincts and use one set of  
81 election judges for the combined precincts if the ballots for each of the combined precincts are  
82 identical.

**Legislative Review Note**  
**as of 1-21-03 10:02 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****County Responsibility for Voting Precincts and Polling Places***24-Jan-03***Bill Number HB0206***10:20 AM*

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**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**