

**VOTING MACHINES USED BY
MUNICIPALITIES**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Neil A. Hansen

Senate Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill modifies the Election Code by amending provisions governing costs that may be charged by an entity for administering certain elections.

Highlighted Provisions:

This bill:

- ▶ provides that costs assessed by a county clerk or a municipal clerk in relation to a municipal election or a bond or leeway election may not exceed the actual cost to the county clerk or municipal clerk assessing the fees or charges;
- ▶ provides that costs assessed by a county clerk to a municipality for a municipal election may not exceed the actual costs incurred by the county clerk; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-5-400.5, as last amended by Laws of Utah 2007, Chapter 329

20A-5-403, as last amended by Laws of Utah 2007, Chapter 329

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

30 Section 1. Section **20A-5-400.5** is amended to read:

31 **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

32 (1) When a voted leeway or bond election is held on the regular general election date or
33 regular primary election date, the county clerk shall serve as the election officer to conduct and
34 administer that election.

35 (2) (a) When a voted leeway or bond election is held on the municipal general election
36 date or any other election date permitted for special elections under Section 20A-1-204, and the
37 local political subdivision calling the election is entirely within the boundaries of the
38 unincorporated county, the county clerk shall serve as the election officer to conduct and
39 administer that election subject to Subsection (3).

40 (b) When a voted leeway or bond election is held on the municipal general election date
41 or any other election date permitted for special elections under Section 20A-1-204, and the
42 local political subdivision calling the election is entirely within the boundaries of a municipality,
43 the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the
44 election officer to conduct and administer that election.

45 (c) When a voted leeway or bond election is held on the municipal general election date
46 or any other election date permitted for special elections under Section 20A-1-204, and the
47 local political subdivision calling the election extends beyond the boundaries of a single
48 municipality:

49 (i) except as provided in Subsection (3), the municipal clerk shall serve as the election
50 officer to conduct and administer the election for those portions of the local political subdivision
51 where the municipal general election or other election is being held; and

52 (ii) except as provided in Subsection (3), the county clerk shall serve as the election
53 officer to conduct and administer the election for the unincorporated county and for those
54 portions of any municipality where no municipal general election or other election is being held.

55 (3) When a voted leeway or bond election is held on a date when no other election,
56 other than another voted leeway or bond election, is being held in the entire area comprising the
57 municipality calling the voted leeway or bond election:

58 (a) the clerk or chief executive officer of a local district or the business administrator or
59 superintendent of the school district, as applicable, shall serve as the election officer to conduct
60 and administer the bond election for those portions of the municipality in which no other
61 election, other than another voted leeway or bond election, is being held, unless the local district
62 or school district has designated the county clerk, municipal clerk, or both, to serve as the
63 election officer; and

64 (b) the county clerk, municipal clerk, or both, as determined by the municipality holding
65 the bond election, shall serve as the election officer to conduct and administer the bond election
66 for those portions of the municipality in which another election, other than another voted
67 leeway or bond election is being held.

68 (4) (a) In conducting elections under this section:

69 (i) the local political subdivision shall provide and pay for election notices; and

70 (ii) the election officer shall determine polling locations and compile, prepare, and count
71 the ballots.

72 (b) The county clerk, the municipal clerk, or both shall:

73 (i) establish fees for conducting voted leeway and bond elections for local political
74 subdivisions; and

75 (ii) bill each local political subdivision for the cost of conducting the voted leeway or
76 bond election.

77 (c) (i) The fees and charges assessed by a county clerk or a municipal clerk under this
78 section may not exceed the actual costs incurred by the county clerk or the municipal clerk.

79 (ii) The actual costs shall include:

80 (A) costs of or rental fees associated with the use of election equipment and supplies;

81 and

82 (B) reasonable and necessary administrative costs.

83 (5) An election officer administering and conducting a voted leeway or bond election is
84 authorized to appoint or employ agents and professional services to assist in conducting and
85 administering the voted leeway or bond election.

86 (6) The election officer in a voted leeway or bond election shall conduct its procedures
87 under the direction of the local political subdivision calling the voted leeway or bond election.

88 Section 2. Section **20A-5-403** is amended to read:

89 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**
90 **Arrangements.**

91 (1) Each election officer shall:

92 (a) designate polling places for each voting precinct in the jurisdiction; and

93 (b) obtain the approval of the county or municipal legislative body or local district
94 governing board for those polling places.

95 (2) (a) For each polling place, the election officer shall provide:

96 (i) an American flag;

97 (ii) a sufficient number of voting booths or compartments;

98 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets,
99 write-in ballots, and any other records and supplies necessary to enable a voter to vote;

100 (iv) the constitutional amendment cards required by Part 1, Election Notices and
101 Instructions;

102 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
103 Information Pamphlet; and

104 (vi) the instruction cards required by Section 20A-5-102.

105 (b) Each election officer shall ensure that:

106 (i) each voting booth is at a convenient height for writing, and is arranged so that the
107 voter can prepare his ballot screened from observation;

108 (ii) there are a sufficient number of voting booths or voting devices to accommodate the
109 voters at that polling place; and

110 (iii) there is at least one voting booth or voting device that is configured to
111 accommodate persons with disabilities.

112 (c) Each county clerk shall provide a ballot box for each polling place that is large
113 enough to properly receive and hold the ballots to be cast.

114 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
115 access by a person with a disability.

116 (b) Any issues concerning inaccessibility to polling places by a person with a disability
117 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
118 clerk shall be:

119 (i) forwarded to the Office of the Lieutenant Governor; and

120 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
121 either:

122 (A) remedied at the particular location by the county clerk;

123 (B) the county clerk shall designate an alternative accessible location for the particular
124 precinct; or

125 (C) if no practical solution can be identified, file with the Office of the Lieutenant
126 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

127 (4) (a) The municipality in which the election is held shall pay the cost of conducting
128 each municipal election, including the cost of printing and supplies.

129 (b) (i) Costs assessed by a county clerk to a municipality under this section shall not
130 exceed the actual costs incurred by the county clerk.

131 (ii) The actual costs shall include:

132 (A) costs of or rental fees associated with the use of election equipment and supplies;

133 and

134 (B) reasonable and necessary administrative costs.

135 (5) The county clerk shall make detailed entries of all proceedings had under this
136 chapter.