

1 **LOCAL VOTER INFORMATION PAMPHLET**

2 **AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Douglas C. Aagard**

6 Senate Sponsor: Gregory S. Bell

7

8 **LONG TITLE**

9 **General Description:**

10 This bill requires local voter information pamphlets to be prepared for all ballot
11 propositions and advances the filing deadlines for submitting arguments relating to the
12 proposals.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ clarifies the definition of "ballot proposition";
- 16 ▶ requires local voter information pamphlets to be prepared for all ballot propositions;
- 17 ▶ advances the deadline for filing a request to submit an argument relating to the ballot
18 proposition from 45 days before the election to 50 days; and
- 19 ▶ advances the deadline for submitting an argument relating to the ballot proposition
20 from 30 days before the election to 45 days.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **20A-1-102**, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329

28 **20A-7-402**, as last amended by Laws of Utah 2005, Chapter 236

29

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

31 Section 1. Section **20A-1-102** is amended to read:

32 **20A-1-102. Definitions.**

33 As used in this title:

34 (1) "Active voter" means a registered voter who has not been classified as an inactive
35 voter by the county clerk.

36 (2) "Automatic tabulating equipment" means apparatus that automatically examines and
37 counts votes recorded on paper ballots or ballot sheets and tabulates the results.

38 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon
39 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
40 secrecy envelopes.

41 (4) "Ballot sheet":

42 (a) means a ballot that:

43 (i) consists of paper or a card where the voter's votes are marked or recorded; and

44 (ii) can be counted using automatic tabulating equipment; and

45 (b) includes punch card ballots, and other ballots that are machine-countable.

46 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
47 contain the names of offices and candidates and statements of ballot propositions to be voted on
48 and which are used in conjunction with ballot sheets that do not display that information.

49 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
50 on the ballot for their approval or rejection including:

51 (a) an opinion [questions] question specifically authorized by the Legislature[;];

52 (b) a constitutional [amendments, initiatives, referenda, and] amendment;

53 (c) an initiative;

54 (d) a referendum;

55 (e) a bond proposition;

56 (f) a judicial retention [questions that are submitted to the voters for their approval or
57 rejection:] question; or

58 (g) any other ballot question specifically authorized by the Legislature.

59 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
60 20A-4-306 to canvass election returns.

61 (8) "Bond election" means an election held for the purpose of approving or rejecting the
62 proposed issuance of bonds by a government entity.

63 (9) "Book voter registration form" means voter registration forms contained in a bound
64 book that are used by election officers and registration agents to register persons to vote.

65 (10) "By-mail voter registration form" means a voter registration form designed to be
66 completed by the voter and mailed to the election officer.

67 (11) "Canvass" means the review of election returns and the official declaration of
68 election results by the board of canvassers.

69 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
70 the canvass.

71 (13) "Convention" means the political party convention at which party officers and
72 delegates are selected.

73 (14) "Counting center" means one or more locations selected by the election officer in
74 charge of the election for the automatic counting of ballots.

75 (15) "Counting judge" means a poll worker designated to count the ballots during
76 election day.

77 (16) "Counting poll watcher" means a person selected as provided in Section
78 20A-3-201 to witness the counting of ballots.

79 (17) "Counting room" means a suitable and convenient private place or room,
80 immediately adjoining the place where the election is being held, for use by the poll workers and
81 counting judges to count ballots during election day.

82 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

83 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

84 (20) "County officers" means those county officers that are required by law to be
85 elected.

86 (21) "Election" means a regular general election, a municipal general election, a
87 statewide special election, a local special election, a regular primary election, a municipal
88 primary election, and a local district election.

89 (22) "Election Assistance Commission" means the commission established by Public
90 Law 107-252, the Help America Vote Act of 2002.

91 (23) "Election cycle" means the period beginning on the first day persons are eligible to
92 file declarations of candidacy and ending when the canvass is completed.

93 (24) "Election judge" means a poll worker that is assigned to:

- 94 (a) preside over other poll workers at a polling place;
- 95 (b) act as the presiding election judge; or
- 96 (c) serve as a canvassing judge, counting judge, or receiving judge.

97 (25) "Election officer" means:

- 98 (a) the lieutenant governor, for all statewide ballots;
- 99 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
100 as provided in Section 20A-5-400.5;

101 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
102 provided in Section 20A-5-400.5;

103 (d) the local district clerk or chief executive officer for certain ballots and elections as
104 provided in Section 20A-5-400.5; and

105 (e) the business administrator or superintendent of a school district for certain ballots or
106 elections as provided in Section 20A-5-400.5.

107 (26) "Election official" means any election officer, election judge, or poll worker.

108 (27) "Election results" means, for bond elections, the count of those votes cast for and
109 against the bond proposition plus any or all of the election returns that the board of canvassers
110 may request.

111 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
112 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
113 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled

114 ballots, the ballot disposition form, and the total votes cast form.

115 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
116 device or other voting device that records and stores ballot information by electronic means.

117 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

118 (b) "Electronic voting device" includes a direct recording electronic voting device.

119 (31) "Inactive voter" means a registered voter who has been sent the notice required by
120 Section 20A-2-306 and who has failed to respond to that notice.

121 (32) "Inspecting poll watcher" means a person selected as provided in this title to
122 witness the receipt and safe deposit of voted and counted ballots.

123 (33) "Judicial office" means the office filled by any judicial officer.

124 (34) "Judicial officer" means any justice or judge of a court of record or any county
125 court judge.

126 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
127 Local Government Entities - Local Districts, and includes a special service district under Title
128 17A, Chapter 2, Part 13, Utah Special Service District Act.

129 (36) "Local district officers" means those local district officers that are required by law
130 to be elected.

131 (37) "Local election" means a regular municipal election, a local special election, a local
132 district election, and a bond election.

133 (38) "Local political subdivision" means a county, a municipality, a local district, or a
134 local school district.

135 (39) "Local special election" means a special election called by the governing body of a
136 local political subdivision in which all registered voters of the local political subdivision may
137 vote.

138 (40) "Municipal executive" means:

139 (a) the city council or town council in the traditional management arrangement
140 established by Title 10, Chapter 3, Part 1, Governing Body;

141 (b) the mayor in the council-mayor optional form of government defined in Section

142 10-3-101; and

143 (c) the manager in the council-manager optional form of government defined in Section
144 10-3-101.

145 (41) "Municipal general election" means the election held in municipalities and local
146 districts on the first Tuesday after the first Monday in November of each odd-numbered year for
147 the purposes established in Section 20A-1-202.

148 (42) "Municipal legislative body" means:

149 (a) the city council or town council in the traditional management arrangement
150 established by Title 10, Chapter 3, Part 1, Governing Body;

151 (b) the municipal council in the council-mayor optional form of government defined in
152 Section 10-3-101; and

153 (c) the municipal council in the council-manager optional form of government defined in
154 Section 10-3-101.

155 (43) "Municipal officers" means those municipal officers that are required by law to be
156 elected.

157 (44) "Municipal primary election" means an election held to nominate candidates for
158 municipal office.

159 (45) "Official ballot" means the ballots distributed by the election officer to the poll
160 workers to be given to voters to record their votes.

161 (46) "Official endorsement" means:

162 (a) the information on the ballot that identifies:

163 (i) the ballot as an official ballot;

164 (ii) the date of the election; and

165 (iii) the facsimile signature of the election officer; and

166 (b) the information on the ballot stub that identifies:

167 (i) the poll worker's initials; and

168 (ii) the ballot number.

169 (47) "Official register" means the official record furnished to election officials by the

170 election officer that contains the information required by Section 20A-5-401.

171 (48) "Paper ballot" means a paper that contains:

172 (a) the names of offices and candidates and statements of ballot propositions to be
173 voted on; and

174 (b) spaces for the voter to record his vote for each office and for or against each ballot
175 proposition.

176 (49) "Political party" means an organization of registered voters that has qualified to
177 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
178 Formation and Procedures.

179 (50) (a) "Poll worker" means a person assigned by an election official to assist with an
180 election, voting, or counting votes.

181 (b) "Poll worker" includes election judges.

182 (c) "Poll worker" does not include a watcher.

183 (51) "Pollbook" means a record of the names of voters in the order that they appear to
184 cast votes.

185 (52) "Polling place" means the building where voting is conducted.

186 (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in
187 which the voter marks his choice.

188 (54) "Provisional ballot" means a ballot voted provisionally by a person:

189 (a) whose name is not listed on the official register at the polling place;

190 (b) whose legal right to vote is challenged as provided in this title; or

191 (c) whose identity was not sufficiently established by a poll worker.

192 (55) "Provisional ballot envelope" means an envelope printed in the form required by
193 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
194 verify a person's legal right to vote.

195 (56) "Primary convention" means the political party conventions at which nominees for
196 the regular primary election are selected.

197 (57) "Protective counter" means a separate counter, which cannot be reset, that is built

198 into a voting machine and records the total number of movements of the operating lever.

199 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
200 duties of the position for which the person was elected.

201 (59) "Receiving judge" means the poll worker that checks the voter's name in the
202 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
203 after the voter has voted.

204 (60) "Registration form" means a book voter registration form and a by-mail voter
205 registration form.

206 (61) "Regular ballot" means a ballot that is not a provisional ballot.

207 (62) "Regular general election" means the election held throughout the state on the first
208 Tuesday after the first Monday in November of each even-numbered year for the purposes
209 established in Section 20A-1-201.

210 (63) "Regular primary election" means the election on the fourth Tuesday of June of
211 each even-numbered year, at which candidates of political parties and nonpolitical groups are
212 voted for nomination.

213 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

214 (65) "Sample ballot" means a mock ballot similar in form to the official ballot printed
215 and distributed as provided in Section 20A-5-405.

216 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or
217 punch the ballot for one or more candidates who are members of different political parties.

218 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into
219 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
220 voter's vote.

221 (68) "Special election" means an election held as authorized by Section 20A-1-204.

222 (69) "Spoiled ballot" means each ballot that:

223 (a) is spoiled by the voter;

224 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

225 (c) lacks the official endorsement.

226 (70) "Statewide special election" means a special election called by the governor or the
227 Legislature in which all registered voters in Utah may vote.

228 (71) "Stub" means the detachable part of each ballot.

229 (72) "Substitute ballots" means replacement ballots provided by an election officer to
230 the poll workers when the official ballots are lost or stolen.

231 (73) "Ticket" means each list of candidates for each political party or for each group of
232 petitioners.

233 (74) "Transfer case" means the sealed box used to transport voted ballots to the
234 counting center.

235 (75) "Vacancy" means the absence of a person to serve in any position created by
236 statute, whether that absence occurs because of death, disability, disqualification, resignation, or
237 other cause.

238 (76) "Valid voter identification" means:

239 (a) a form of identification that bears the name and photograph of the voter which may
240 include:

241 (i) a currently valid Utah driver license;

242 (ii) a currently valid identification card that is issued by:

243 (A) the state;

244 (B) a local government within the state; or

245 (C) a branch, department, or agency of the United States;

246 (iii) an identification card that is issued by an employer for an employee;

247 (iv) a currently valid identification card that is issued by a college, university, technical
248 school, or professional school that is located within the state;

249 (v) a currently valid Utah permit to carry a concealed weapon;

250 (vi) a currently valid United States passport; or

251 (vii) a valid tribal identification card; or

252 (b) two forms of identification that bear the name of the voter and provide evidence that
253 the voter resides in the voting precinct, which may include:

- 254 (i) a voter identification card;
- 255 (ii) a current utility bill or a legible copy thereof;
- 256 (iii) a bank or other financial account statement, or a legible copy thereof;
- 257 (iv) a certified birth certificate;
- 258 (v) a valid Social Security card;
- 259 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 260 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 261 (viii) a currently valid Utah hunting or fishing license;
- 262 (ix) a currently valid United States military identification card;
- 263 (x) certified naturalization documentation;
- 264 (xi) a currently valid license issued by an authorized agency of the United States;
- 265 (xii) a certified copy of court records showing the voter's adoption or name change;
- 266 (xiii) a Bureau of Indian Affairs card;
- 267 (xiv) a tribal treaty card;
- 268 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 269 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 270 photograph, but establishes the name of the voter and provides evidence that the voter resides in
- 271 the voting precinct.

272 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
273 candidate by following the procedures and requirements of this title.

274 (78) "Voter" means a person who meets the requirements for voting in an election,
275 meets the requirements of election registration, is registered to vote, and is listed in the official
276 register book.

277 (79) "Voter registration deadline" means the registration deadline provided in Section
278 20A-2-102.5.

279 (80) "Voting area" means the area within six feet of the voting booths, voting machines,
280 and ballot box.

281 (81) "Voting booth" means:

282 (a) the space or compartment within a polling place that is provided for the preparation
283 of ballots, including the voting machine enclosure or curtain; or

284 (b) a voting device that is free standing.

285 (82) "Voting device" means:

286 (a) an apparatus in which ballot sheets are used in connection with a punch device for
287 piercing the ballots by the voter;

288 (b) a device for marking the ballots with ink or another substance;

289 (c) an electronic voting device or other device used to make selections and cast a ballot
290 electronically, or any component thereof;

291 (d) an automated voting system under Section 20A-5-302; or

292 (e) any other method for recording votes on ballots so that the ballot may be tabulated
293 by means of automatic tabulating equipment.

294 (83) "Voting machine" means a machine designed for the sole purpose of recording and
295 tabulating votes cast by voters at an election.

296 (84) "Voting poll watcher" means a person appointed as provided in this title to witness
297 the distribution of ballots and the voting process.

298 (85) "Voting precinct" means the smallest voting unit established as provided by law
299 within which qualified voters vote at one polling place.

300 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll
301 watcher, and a testing watcher.

302 (87) "Western States Presidential Primary" means the election established in Title 20A,
303 Chapter 9, Part 8.

304 (88) "Write-in ballot" means a ballot containing any write-in votes.

305 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the
306 ballot according to the procedures established in this title.

307 Section 2. Section **20A-7-402** is amended to read:

308 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
309 **Preparation -- Statement on front cover.**

310 (1) The county or municipality that is the subject of an initiative [~~or referenda~~],
311 referendum, or other ballot proposition shall prepare a local voter information pamphlet that
312 meets the requirements of this part.

313 (2) (a) The arguments for and against initiatives and referenda shall conform to the
314 requirements of this section.

315 (i) Persons wishing to prepare arguments for and against [~~initiatives and referenda~~] an
316 initiative, referendum, or other ballot proposition shall file a request with the local legislative
317 body at least [~~45~~] 50 days before the election at which the proposed measure is to be voted
318 upon.

319 (ii) If more than one person or group requests the opportunity to prepare arguments for
320 or against any measure, the governing body shall make the final designation according to the
321 following criteria:

322 (A) sponsors have priority in making the argument for a measure; and

323 (B) members of the local legislative body have priority over others.

324 (iii) The arguments in favor of the measure shall be prepared by the sponsors, whether
325 of the local legislative body or of a voter or voter group, but not more than five names shall
326 appear as sponsors.

327 (iv) The arguments against the measure shall be prepared by opponents from among the
328 local legislative body, if any, or from among voters requesting permission of the local legislative
329 body to prepare these arguments.

330 (v) The arguments may not exceed 500 words in length.

331 (vi) The arguments supporting and opposing any county or municipal measure shall be
332 filed with the local clerk not less than [~~30~~] 45 days before the election at which they are to be
333 voted upon.

334 (b) The local voter information pamphlet shall include a copy of the initial fiscal impact
335 estimate prepared for each initiative under Section 20A-7-502.5.

336 (3) (a) In preparing the local voter information pamphlet, the local legislative body
337 shall:

338 (i) ensure that the arguments are printed on the same sheet of paper upon which the
339 proposed measure is also printed;

340 (ii) ensure that the following statement is printed on the front cover or the heading of
341 the first page of the printed arguments:

342 "The arguments for or against the proposed measure(s) are the opinions of the authors.";

343 (iii) pay for the printing and binding of the local voter information pamphlet; and

344 (iv) ensure that the local clerk distributes the pamphlets either by mail or carrier not less
345 than eight days before the election at which the measures are to be voted upon.

346 (b) (i) If the proposed measure exceeds 500 words in length, the local legislative body
347 may direct the local clerk to summarize the measure in 500 words or less.

348 (ii) The summary shall state where a complete copy of the measure is available for
349 public review.