

STUDY ON SIGNING PETITIONS ONLINE

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

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LONG TITLE

General Description:

This bill requires the lieutenant governor to conduct a study regarding a registered voter signing a petition regulated by Title 20A, Election Code, on the Internet.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the lieutenant governor to conduct a study regarding a registered voter

signing on the Internet a petition to:

- qualify a ballot proposition for the ballot;
- organize and register a political party; or
- qualify a candidate for the ballot; and

29 ▶ requires the lieutenant governor to submit the study and recommendations, if any, to
30 the Government Operations Interim Committee.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **67-1a-2**, as last amended by Laws of Utah 2009, Chapter 350

38 ENACTS:

39 **67-1a-14**, Utah Code Annotated 1953



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

42 Section 1. Section **67-1a-2** is amended to read:

43 **67-1a-2. Duties enumerated.**

44 (1) The lieutenant governor shall:

45 (a) perform duties delegated by the governor, including assignments to serve in any of
46 the following capacities:

47 (i) as the head of any one department, if so qualified, with the consent of the Senate,
48 and, upon appointment at the pleasure of the governor and without additional compensation;

49 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
50 law for the purpose of advising the governor or coordinating intergovernmental or
51 interdepartmental policies or programs;

52 (iii) as liaison between the governor and the state Legislature to coordinate and
53 facilitate the governor's programs and budget requests;

54 (iv) as liaison between the governor and other officials of local, state, federal, and
55 international governments or any other political entities to coordinate, facilitate, and protect the
56 interests of the state;

57 (v) as personal advisor to the governor, including advice on policies, programs,
58 administrative and personnel matters, and fiscal or budgetary matters; and

59 (vi) as chairperson or member of any temporary or permanent boards, councils,
60 commissions, committees, task forces, or other group appointed by the governor;

61 (b) serve on all boards and commissions in lieu of the governor, whenever so
62 designated by the governor;

63 (c) serve as the chief election officer of the state as required by Subsection (2);

64 (d) keep custody of the Great Seal of Utah;

65 (e) keep a register of, and attest, the official acts of the governor;

66 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
67 which the official signature of the governor is required; and

68 (g) furnish a certified copy of all or any part of any law, record, or other instrument
69 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
70 it and pays the fee.

71 (2) (a) As the chief election officer, the lieutenant governor shall:

72 (i) exercise general supervisory authority over all elections;

73 (ii) exercise direct authority over the conduct of elections for federal, state, and
74 multicounty officers and statewide or multicounty ballot propositions and any recounts
75 involving those races;

76 (iii) assist county clerks in unifying the election ballot;

77 (iv) (A) prepare election information for the public as required by statute and as
78 determined appropriate by the lieutenant governor;

79 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
80 news media on the Internet and in other forms as required by statute or as determined
81 appropriate by the lieutenant governor;

82 (v) receive and answer election questions and maintain an election file on opinions
83 received from the attorney general;

84 (vi) maintain a current list of registered political parties as defined in Section

85 20A-8-101;

86 (vii) maintain election returns and statistics;

87 (viii) certify to the governor the names of those persons who have received the highest
88 number of votes for any office;

89 (ix) ensure that all voting equipment purchased by the state complies with the
90 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7; [~~and~~]

91 (x) conduct the study described in Section 67-1a-14; and

92 [~~(x)~~] (xi) perform other election duties as provided in Title 20A, Election Code.

93 (b) As chief election officer, the lieutenant governor may not assume the
94 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
95 officials by Title 20A, Election Code.

96 (3) (a) The lieutenant governor shall:

97 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's
98 incorporation under Title 10, Chapter 2, Part 1, Incorporation, based on the city's population
99 using the population estimate from the Utah Population Estimates Committee; and

100 (B) (I) prepare a certificate indicating the class in which the new city belongs based on
101 the city's population; and

102 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the
103 city's legislative body;

104 (ii) (A) determine the classification under Section 10-2-301 of a consolidated
105 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
106 6, Consolidation of Municipalities, using population information from:

107 (I) each official census or census estimate of the United States Bureau of the Census;

108 or

109 (II) the population estimate from the Utah Population Estimates Committee, if the
110 population of a municipality is not available from the United States Bureau of the Census; and

111 (B) (I) prepare a certificate indicating the class in which the consolidated municipality
112 belongs based on the municipality's population; and

113 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the
114 consolidated municipality's legislative body; and

115 (iii) monitor the population of each municipality using population information from:

116 (A) each official census or census estimate of the United States Bureau of the Census;

117 or

118 (B) the population estimate from the Utah Population Estimates Committee, if the
119 population of a municipality is not available from the United States Bureau of the Census.

120 (b) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates that
121 a municipality's population has increased beyond the population for its current class, the
122 lieutenant governor shall:

123 (i) prepare a certificate indicating the class in which the municipality belongs based on
124 the increased population figure; and

125 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
126 legislative body of the municipality whose class has changed.

127 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates
128 that a municipality's population has decreased below the population for its current class, the
129 lieutenant governor shall send written notification of that fact to the municipality's legislative
130 body.

131 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
132 population has decreased below the population for its current class, the lieutenant governor
133 shall:

134 (A) prepare a certificate indicating the class in which the municipality belongs based
135 on the decreased population figure; and

136 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
137 legislative body of the municipality whose class has changed.

138 Section 2. Section **67-1a-14** is enacted to read:

139 **67-1a-14. Study of signing a petition online -- Report.**

140 (1) As used in this section, "petition" means a petition to:

141 (a) qualify a ballot proposition for the ballot under Title 20A, Chapter 7, Issues
142 Submitted to the Voters;

143 (b) organize and register a political party under Title 20A, Chapter 8, Political Party
144 Formation and Procedures; or

145 (c) qualify a candidate for the ballot under Title 20A, Chapter 9, Candidate
146 Qualifications and Nominating Procedures.

147 (2) The lieutenant governor, in consultation with a county clerk and municipal clerk,
148 shall study a way that a registered voter may sign a petition on the Internet and receive
149 information about the petition on the Internet.

150 (3) The study shall evaluate:

151 (a) how to sign a petition on the Internet using a holographic signature that is in an
152 electronic format maintained by a government agency;

153 (b) the security, development, ownership, management, format, and content of a secure
154 Internet portal or website on which a registered voter may sign a petition;

155 (c) the security measures necessary to:

156 (i) verify the identity of a registered voter who signs a petition on the Internet; and

157 (ii) insure the integrity of a signature;

158 (d) changes to the process of collecting, verifying, and certifying a signature, if the
159 signature is collected on the Internet;

160 (e) whether verification is necessary for signatures collected on the Internet;

161 (f) which election official should be responsible for the certification of signatures
162 collected on the Internet;

163 (g) whether signatures on a petition should be public information;

164 (h) the removal process of a signature collected on the Internet;

165 (i) what percentage of signatures should be collected on the Internet or in person,
166 statewide or by Senate district;

167 (j) what information regarding the petition should be available on the secure Internet
168 portal or website, including who may submit the information and by what deadline information

169 should be submitted;

170 (k) the time the lieutenant governor, county clerk, or municipal clerk may spend
171 certifying a petition if a registered voter is allowed to sign a petition on the Internet;

172 (l) the processes, if any, that exists in other states to allow a registered voter to sign a
173 petition on the Internet; and

174 (m) any other issue related to allowing a registered voter to sign a petition on the
175 Internet.

176 (4) The lieutenant governor shall submit a copy of the study and recommendations, if
177 any, that result from the study to the Government Operations Interim Committee on or before
178 September 18, 2013.