

ELECTION DAY MATERIALS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Loraine T. Pace

This act modifies the Election Code by changing the requirements for certain election day materials including voting instructions, the official register and posting book, and voting booths. This act takes effect January 1, 2004.

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

AMENDS:

20A-5-102, as last amended by Chapter 328, Laws of Utah 2000

20A-5-401, as last amended by Chapter 22, Laws of Utah 1999

20A-5-403, as last amended by Chapter 167, Laws of Utah 2002

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

Section 1. Section **20A-5-102** is amended to read:

20A-5-102. Voting instructions.

(1) Each election officer shall:

(a) print instruction cards for voters;

(b) ensure that the cards are printed in English in large clear type; and

(c) ensure that the cards instruct voters:

(i) about how to obtain ballots for voting;

(ii) about special political party affiliation requirements for voting in the Western

States Presidential Primary or in a regular primary election;

(iii) about how to prepare ballots for deposit in the ballot box;

(iv) about how to record write-in votes;

(v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

(vi) about how to obtain assistance in marking ballots;

(vii) about obtaining a new ballot if the voter's ballot is defaced; [~~and~~]

(viii) that identification marks or the spoiling or defacing of a ballot will make it
invalid[-];

(ix) about how to obtain and vote a provisional ballot;

(x) about whom to contact to report election fraud;

(xi) about applicable federal and state laws regarding:

(A) voting rights and the appropriate official to contact if the voter alleges his rights have been violated; and

(B) prohibitions on acts of fraud and misrepresentation;

(xii) about procedures governing mail-in registrants and first-time voters; and

(xiii) about the date of the election and the hours that the polls are open on election day.

(2) Each election officer shall:

(a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;

(b) direct the election judges to post:

(i) [~~at least one instruction card~~] general voting instructions in each voting booth; and

(ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

Section 2. Section **20A-5-401** is amended to read:

20A-5-401. Official register and posting book -- Preparation -- Contents.

(1) (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or Western States Presidential Primary election, each county clerk shall prepare an official register and posting list of voters for each voting precinct that will participate in the election.

(b) The county clerk shall ensure that the official register and posting list are bound or loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable dimensions to provide for the following entries:

(i) registered voter's name;

(ii) party affiliation;

(iii) grounds for challenge;

(iv) name of person challenging a voter;

- (v) ballot numbers, primary, November, special;
- (vi) date of birth;
- (vii) place of birth;
- (viii) place of current residence;
- (ix) street address;
- (x) zip code; and
- (xi) space for the voter to sign his name for each election.

(c) When preparing the official register and posting list for the Western States

Presidential Primary, the county clerk shall include:

- (i) a column to record the name of the political party whose ballot the voter voted; and
- (ii) a column for the election judge to record changes in the voter's party affiliation.

(d) When preparing the official register and posting list for any regular general election, regular primary election, or election for federal office, the county clerk shall include:

- (i) a column that indicates if the voter is required to show identification before voting;
- (ii) a column for the election judge to record the provisional envelope ballot number for voters who receive a provisional ballot; and
- (iii) a space for the election judge to record the type of proof of identity and the type of proof of residence provided by voters who receive a provisional ballot.

(2) (a) (i) For regular and municipal elections, primary elections, regular municipal elections, special district elections, and bond elections, the county clerk shall make an official register and posting list only for voting precincts affected by the primary, municipal, special district, or bond election.

(ii) Each county clerk, with the assistance of the clerk of each affected special district, shall provide a detailed map or an indication on the registration list or other means to enable an election judge to determine the voters entitled to vote at an election of special district officers.

(b) Municipalities shall pay the costs of making the official register and posting list for municipal elections.

Section 3. Section **20A-5-403** is amended to read:

20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions -- Arrangements.

- (1) Each election officer shall:
 - (a) designate polling places for each voting precinct in the jurisdiction; and
 - (b) obtain the approval of the county or municipal legislative body or special district governing board for those polling places.
- (2) (a) For each polling place, the election officer shall provide:
 - (i) an American flag;
 - (ii) a sufficient number of voting booths or compartments;
 - (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot cards, write-in ballots, and any other records and supplies necessary to enable a voter to vote; and
 - (iv) the constitutional amendment cards and voter information pamphlets required by Part 1[-], Election Notices and Instructions; and
 - (v) the instruction cards required by Section 20A-5-102.
- (b) Each election officer shall ensure that:
 - (i) each voting booth is at [~~least three feet square, contains a shelf that is at least one foot wide extending across one side of the booth at~~] a convenient height for writing, and is arranged so that the voter can prepare his ballot screened from observation;
 - (ii) there [~~is at least one voting booth for every 100 voters who voted at the last similar election in the voting precinct~~] are a sufficient number of voting booths to accommodate the voters at that polling place; and
 - (iii) there is at least one voting booth that is configured to accommodate persons with disabilities.
- (c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.
- (3) (a) As of May 15, 2003, all polling places shall be physically inspected by each county clerk to ensure access by people with disabilities.
- (b) Any issues concerning inaccessibility to polling places by people with a disability

discovered during the inspections referred to in Subsection (3)(a) or reported to the county clerk on or after May 15, 2002 shall be:

- (i) forwarded to the Office of the Lieutenant Governor; and
- (ii) within six months of the time of the complaint, the issue of inaccessibility shall be

either:

- (A) remedied at the particular location by the county clerk;
- (B) the county clerk shall designate an alternative accessible location for the particular

precinct; or

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

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

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

Section 4. Effective date.

This act takes effect on January 1, 2004.