

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~~]



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

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

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

32 (xi) about applicable federal and state laws regarding;

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

35 (B) prohibitions on acts of fraud and misrepresentation;

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

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

39 (2) Each election officer shall:

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

42 (b) direct the election judges to post:

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

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

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

47 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

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

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

55 (i) registered voter's name;

56 (ii) party affiliation;

57 (iii) grounds for challenge;

58 (iv) name of person challenging a voter;

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

66 (c) When preparing the official register and posting list for the Western States
 67 Presidential Primary, the county clerk shall include:

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

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

- 72 (i) a column that indicates if the voter is required to show identification before voting;
- 73 (ii) a column for the election judge to record the provisional envelope ballot number

74 for voters who receive a provisional ballot; and

- 75 (iii) a space for the election judge to record the type of proof of identity and the type of
 76 proof of residence provided by voters who receive a provisional ballot.

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

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

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

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

87 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**
 88 **Arrangements.**

89 (1) Each election officer shall:

90 (a) designate polling places for each voting precinct in the jurisdiction; and
91 (b) obtain the approval of the county or municipal legislative body or special district
92 governing board for those polling places.

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

- 94 (i) an American flag;
- 95 (ii) a sufficient number of voting booths or compartments;
- 96 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot cards,
97 write-in ballots, and any other records and supplies necessary to enable a voter to vote; and
- 98 (iv) the constitutional amendment cards and voter information pamphlets required by
99 Part 1[-], Election Notices and Instructions; and

100 (v) the instruction cards required by Section 20A-5-102.

101 (b) Each election officer shall ensure that:

102 (i) each voting booth is at [~~least three feet square, contains a shelf that is at least one~~
103 ~~foot wide extending across one side of the booth at~~] a convenient height for writing, and is
104 arranged so that the voter can prepare his ballot screened from observation;

105 (ii) there [~~is at least one voting booth for every 100 voters who voted at the last similar~~
106 ~~election in the voting precinct~~] are a sufficient number of voting booths to accommodate the
107 voters at that polling place; and

108 (iii) there is at least one voting booth that is configured to accommodate persons with
109 disabilities.

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

112 (3) (a) As of May 15, 2003, all polling places shall be physically inspected by each
113 county clerk to ensure access by people with disabilities.

114 (b) Any issues concerning inaccessibility to polling places by people with a disability
115 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
116 clerk on or after May 15, 2002 shall be:

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

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

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

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

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

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

129 Section 4. **Effective date.**

130 This act takes effect on January 1, 2004.

Legislative Review Note
as of 1-22-03 2:20 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0102

Election Day Materials

30-Jan-03

9:10 AM

State Impact

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

Individual and Business Impact

This bill is intended to comply with federal mandates. Counties may incur some costs to conform to the mandates. However, no State funding is requested to implement provisions of this bill.

Office of the Legislative Fiscal Analyst