

**FUNDING THE PURCHASE OF VOTING
EQUIPMENT**

2004 GENERAL SESSION
STATE OF UTAH

Sponsor: Dan R. Eastman

LONG TITLE

General Description:

This bill establishes procedures for counties to compensate the state for purchases of voting equipment to comply with the Help America Vote Act.

Highlighted Provisions:

This bill:

- ▶ creates a restricted account and provides for its funding and use;
- ▶ requires counties to sign a promissory note and defines what must be included in that note;
- ▶ defines consequences if counties fail to make the required payments; and
- ▶ provides a repeal date.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63-55-267.5, as enacted by Chapter 192, Laws of Utah 1994

ENACTS:

67-1a-10, Utah Code Annotated 1953



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

29 Section 1. Section **63-55-267.5** is amended to read:

30 **63-55-267.5. Repeal dates, Title 67.**

31 (1) Title 67, Chapter 5b, The Children's Justice Center Program, is repealed July 1,
32 2004.

33 (2) Section 67-1a-10 is repealed January 1, 2012.

34 Section 2. Section **67-1a-10** is enacted to read:

35 **67-1a-10. County payment for voting equipment -- Restricted account created --**
36 **Promissory note required -- Consequences for failure to pay.**

37 (1) As used in this section:

38 (a) "Division" means the Division of Finance.

39 (b) "Restricted account" means the Help America Vote Act Match Account created by
40 this section.

41 (c) "Voting equipment" means the uniform hardware and software selected by the
42 lieutenant governor's bid committee to be used by all state voters to vote.

43 (2) (a) There is created the "Help America Vote Act Match Restricted Account."

44 (b) The source of the monies in the restricted account is legislative appropriation.

45 (c) Notwithstanding Subsections 51-5-3(23)(b) and 63-38-9(4)(c), the division shall
46 transfer fund monies to the lieutenant governor to be used as a match to federal monies to
47 purchase voting equipment for use by each county.

48 (d) At the close of each fiscal year after January 1, 2006, the division shall transfer any
49 balance in the restricted account into the General Fund.

50 (3) (a) As a condition to receiving the election equipment purchased by the state, each
51 county, through its county executive, shall sign a promissory note to repay the state for a
52 portion of the cost that the state spends to purchase the voting equipment.

53 (b) The division shall ensure that each promissory note:

54 (i) provides that, as consideration for the voting equipment to be provided to the county
55 by the state, the county will repay the state in the amount identified by the lieutenant governor
56 as chief election officer;

57 (ii) identifies the amount of money to be paid by the county;

58 (iii) provides that no interest is required to be paid on the money;

59 (iv) requires that the county repay the money in no less than equal installments due on
60 January 1, 2007, January 1, 2009, and January 1, 2011; and

61 (v) provides that, if the county fails to pay the full payment on the date that it is due,
62 the Utah State Tax Commission will withhold the amount of the payment from the county tax
63 imposed under Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act.

64 (c) The lieutenant governor, as chief election officer, shall pay the costs of
65 administering the restricted account.

66 (4) Because the purchase of uniform voting equipment for all counties is a statewide
67 public purpose and is a duty imposed upon the state by federal law:

68 (a) if any county fails to pay the payment amount specified in the promissory note on
69 the date that the payment is due, the division shall inform the Utah State Tax Commission that
70 the payment has not been made and identify the name of the county that failed to make the
71 payment and the amount of the payment that is due; and

72 (b) after receiving that notice, the Utah State Tax Commission shall:

73 (i) withhold the amount of the payment from the amount due to the county under the
74 county tax imposed under Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act; and

75 (ii) remit that amount to the division for deposit into the restricted account.

Legislative Review Note

as of 3-2-04 8:25 AM

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

Office of Legislative Research and General Counsel

State Impact

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

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst