

ELECTION INFORMATION AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Dougall

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill modifies the Election Code to permit an alternative method of publishing election results and to require an addition to the voter information pamphlet.

Highlighted Provisions:

This bill:

- ▶ requires election results to be published on the county's website;
- ▶ requires that the voter information pamphlet include, for each referendum qualified for a ballot, a copy of the law being submitted to the voters;
- ▶ permits the voter information pamphlet to be distributed to each household in the state instead of being distributed by newspaper; and
- ▶ changes the dates for providing the voter information pamphlet.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-4-304, as last amended by Laws of Utah 2007, Chapter 329

20A-7-702, as last amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **20A-4-304** is amended to read:

30 **20A-4-304. Declaration of results -- Canvassers' report.**

31 (1) Each board of canvassers shall:

32 (a) declare "elected" or "nominated" those persons who:

33 (i) had the highest number of votes; and

34 (ii) sought election or nomination to an office completely within the board's jurisdiction;

35 (b) declare:

36 (i) "approved" those ballot propositions that:

37 (A) had more "yes" votes than "no" votes; and

38 (B) were submitted only to the voters within the board's jurisdiction;

39 (ii) "rejected" those ballot propositions that:

40 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"

41 votes; and

42 (B) were submitted only to the voters within the board's jurisdiction;

43 (c) certify the vote totals for persons and for and against ballot propositions that were
44 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
45 the lieutenant governor; and

46 (d) if applicable, certify the results of each local district election to the local district
47 clerk.

48 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
49 result, which shall contain:

50 (i) the total number of votes cast in the board's jurisdiction;

51 (ii) the names of each candidate whose name appeared on the ballot;

52 (iii) the title of each ballot proposition that appeared on the ballot;

53 (iv) each office that appeared on the ballot;

54 (v) from each voting precinct:

55 (A) the number of votes for each candidate; and

56 (B) the number of votes for and against each ballot proposition;

57 (vi) the total number of votes given in the board's jurisdiction to each candidate, and for

58 and against each ballot proposition; and

59 (vii) a statement certifying that the information contained in the report is accurate.

60 (b) The election officer and the board of canvassers shall:

61 (i) review the report to ensure that it is correct; and

62 (ii) sign the report.

63 (c) The election officer shall:

64 (i) record or file the certified report in a book kept for that purpose;

65 (ii) prepare and transmit a certificate of nomination or election under the officer's seal to

66 each nominated or elected candidate;

67 (iii) publish a copy of the certified report:

68 (A) in one or more conspicuous places within the jurisdiction;

69 (B) in a conspicuous place on the county's website; and

70 (C) in a newspaper with general circulation in the board's jurisdiction [~~and post it in a~~

71 ~~conspicuous place within the jurisdiction; and]; and~~

72 (iv) file a copy of the certified report with the lieutenant governor.

73 (3) When there has been a regular general or a statewide special election for statewide

74 officers, for officers that appear on the ballot in more than one county, or for a statewide or two

75 or more county ballot proposition, each board of canvassers shall:

76 (a) prepare a separate report detailing the number of votes for each candidate and the

77 number of votes for and against each ballot proposition; and

78 (b) transmit it by registered mail to the lieutenant governor.

79 (4) In each county election, municipal election, school election, local district election,

80 and local special election, the election officer shall transmit the reports to the lieutenant

81 governor within 14 days after the date of the election.

82 (5) In regular primary elections and in the Western States Presidential Primary, the

83 board shall transmit to the lieutenant governor:

84 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant

85 governor:

86 (i) not later than the second Tuesday after the primary election for the regular primary
87 election; and

88 (ii) not later than the Tuesday following the election for the Western States Presidential
89 Primary; and

90 (b) a complete tabulation showing voting totals for all primary races, precinct by
91 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
92 primary election.

93 Section 2. Section **20A-7-702** is amended to read:

94 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

95 (1) The lieutenant governor shall ensure that all information submitted for publication in
96 the voter information pamphlet is:

97 (a) printed and bound in a single pamphlet;

98 (b) printed in clear readable type, no less than ten-point, except that the text of any
99 measure may be set forth in eight-point type; and

100 (c) printed on a quality and weight of paper that best serves the voters.

101 (2) The voter information pamphlet shall contain the following items in this order:

102 (a) a cover title page;

103 (b) an introduction to the pamphlet by the lieutenant governor;

104 (c) a table of contents;

105 (d) a list of all candidates for constitutional offices;

106 (e) a list of candidates for each legislative district;

107 (f) a 100-word statement of qualifications for each candidate for the office of governor,
108 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
109 candidate to the lieutenant governor's office before July 15 at 5 p.m.;

110 (g) information pertaining to all measures to be submitted to the voters, beginning a
111 new page for each measure and containing, in the following order for each measure:

112 (i) a copy of the number and ballot title of the measure;

113 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by

114 the Legislature or by referendum;

115 (iii) the impartial analysis of the measure prepared by the Office of Legislative Research
116 and General Counsel;

117 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
118 measure, the arguments against the measure, and the rebuttal to the arguments against the
119 measure, with the name and title of the authors at the end of each argument or rebuttal;

120 (v) for each constitutional amendment, a complete copy of the text of the constitutional
121 amendment, with all new language underlined, and all deleted language placed within brackets;

122 [~~and~~]

123 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
124 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section
125 20A-7-202.5;

126 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law
127 being submitted to the voters for their approval or rejection, with all new language underlined
128 and all deleted language placed within brackets, as applicable;

129 (h) a description provided by the Judicial Council of the selection and retention process
130 for judges, including, in the following order:

131 (i) a description of the judicial selection process;

132 (ii) a description of the judicial performance evaluation process;

133 (iii) a description of the judicial retention election process;

134 (iv) a list of the criteria and minimum standards of judicial performance evaluation;

135 (v) the names of the judges standing for retention election; and

136 (vi) for each judge:

137 (A) the counties in which the judge is subject to retention election;

138 (B) a short biography of professional qualifications and a recent photograph;

139 (C) for each standard of performance, a statement identifying whether or not the judge
140 met the standard and, if not, the manner in which the judge failed to meet the standard;

141 (D) a statement provided by the Utah Supreme Court identifying the cumulative number

142 of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter
143 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension
144 issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the
145 judge's current term and the immediately preceding term, and a detailed summary of the
146 supporting reasons for each violation of the Code of Judicial Conduct that the judge has
147 received; and

148 (E) a statement identifying whether or not the judge was certified by the Judicial
149 Council;

150 (vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic
151 format, the responses for each attorney, jury, and other survey question used by the Judicial
152 Council for certification of judges, displayed in 1% increments; and

153 (B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a
154 particular judge is too small to provide statistically reliable information in 1% increments, the
155 survey results for that judge shall be reported as being above or below 70% and a statement by
156 the surveyor explaining why the survey is statistically unreliable shall also be included;

157 (i) an explanation of ballot marking procedures prepared by the lieutenant governor,
158 indicating the ballot marking procedure used by each county and explaining how to mark the
159 ballot for each procedure;

160 (j) voter registration information, including information on how to obtain an absentee
161 ballot;

162 (k) a list of all county clerks' offices and phone numbers; and

163 (l) on the back cover page, a printed copy of the following statement signed by the
164 lieutenant governor:

165 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
166 measures contained in this pamphlet will be submitted to the voters of Utah at the election to be
167 held throughout the state on ____ (date of election), and that this pamphlet is complete and
168 correct according to law. SEAL

169 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day

170 of ____ (month), ____ (year)

171 (signed) _____

172 Lieutenant Governor"

173 (3) The lieutenant governor shall not more than 40 nor less than 15 days before the date
174 voting commences:

175 (a) (i) distribute one copy of the voter information pamphlet to each household within
176 the state; or

177 [~~(a)~~] (ii) ensure that one copy of the voter information pamphlet is placed in one issue
178 of every newspaper of general circulation in the state [~~not more than 40 nor less than 15 days~~
179 before the day fixed by law for the election];

180 (b) ensure that a sufficient number of printed voter information pamphlets are available
181 for distribution as required by this section;

182 (c) provide voter information pamphlets to each county clerk for free distribution upon
183 request and for placement at polling places; and

184 (d) ensure that the distribution of the voter information pamphlets is completed 15 days
185 before the election.