

**VOTING MACHINES USED BY
MUNICIPALITIES**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Neil A. Hansen

Senate Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill modifies the Election Code by amending provisions governing costs that may be charged an entity for administering certain elections.

Highlighted Provisions:

This bill:

- ▶ provides that costs assessed by a county clerk or a municipal clerk in relation to a municipal election or a bond or leeway election may not exceed the actual cost to the county clerk or municipal clerk assessing the fees or charges;

- ▶ provides that costs assessed by a county clerk to a municipality for a municipal election may not exceed the actual costs incurred by the county clerk; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-5-400.5, as last amended by Laws of Utah 2007, Chapter 329

20A-5-403, as last amended by Laws of Utah 2007, Chapter 329



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

Section 1. Section **20A-5-400.5** is amended to read:

20A-5-400.5. Election officer for bond and leeway elections -- Billing.

(1) When a voted leeway or bond election is held on the regular general election date or regular primary election date, the county clerk shall serve as the election officer to conduct and administer that election.

(2) (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the election officer to conduct and administer that election subject to Subsection (3).

(b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the election officer to conduct and administer that election.

(c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:

(i) except as provided in Subsection (3), the municipal clerk shall serve as the election officer to conduct and administer the election for those portions of the local political subdivision where the municipal general election or other election is being held; and

(ii) except as provided in Subsection (3), the county clerk shall serve as the election officer to conduct and administer the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.

(3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the municipality calling the voted leeway or bond election:

59 (a) the clerk or chief executive officer of a local district or the business administrator or
60 superintendent of the school district, as applicable, shall serve as the election officer to conduct
61 and administer the bond election for those portions of the municipality in which no other
62 election, other than another voted leeway or bond election, is being held, unless the local
63 district or school district has designated the county clerk, municipal clerk, or both, to serve as
64 the election officer; and

65 (b) the county clerk, municipal clerk, or both, as determined by the municipality
66 holding the bond election, shall serve as the election officer to conduct and administer the bond
67 election for those portions of the municipality in which another election, other than another
68 voted leeway or bond election is being held.

69 (4) (a) In conducting elections under this section:

70 (i) the local political subdivision shall provide and pay for election notices; and

71 (ii) the election officer shall determine polling locations and compile, prepare, and
72 count the ballots.

73 (b) The county clerk, the municipal clerk, or both shall:

74 (i) establish fees for conducting voted leeway and bond elections for local political
75 subdivisions; and

76 (ii) bill each local political subdivision for the cost of conducting the voted leeway or
77 bond election.

78 (c) (i) The fees and charges assessed by a county clerk or a municipal clerk under this
79 section may not exceed the actual costs incurred by the county clerk or the municipal clerk.

80 (ii) The actual costs shall include:

81 (A) costs of or rental fees associated with the use of election equipment and supplies;
82 and

83 (B) reasonable and necessary administrative costs.

84 (5) An election officer administering and conducting a voted leeway or bond election is
85 authorized to appoint or employ agents and professional services to assist in conducting and
86 administering the voted leeway or bond election.

87 (6) The election officer in a voted leeway or bond election shall conduct its procedures
88 under the direction of the local political subdivision calling the voted leeway or bond election.

89 Section 2. Section **20A-5-403** is amended to read:

90 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**
91 **Arrangements.**

92 (1) Each election officer shall:

93 (a) designate polling places for each voting precinct in the jurisdiction; and

94 (b) obtain the approval of the county or municipal legislative body or local district
95 governing board for those polling places.

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

97 (i) an American flag;

98 (ii) a sufficient number of voting booths or compartments;

99 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets,
100 write-in ballots, and any other records and supplies necessary to enable a voter to vote;

101 (iv) the constitutional amendment cards required by Part 1, Election Notices and
102 Instructions;

103 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
104 Information Pamphlet; and

105 (vi) the instruction cards required by Section 20A-5-102.

106 (b) Each election officer shall ensure that:

107 (i) each voting booth is at a convenient height for writing, and is arranged so that the
108 voter can prepare his ballot screened from observation;

109 (ii) there are a sufficient number of voting booths or voting devices to accommodate
110 the voters at that polling place; and

111 (iii) there is at least one voting booth or voting device that is configured to
112 accommodate persons with disabilities.

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

115 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
116 access by a person with a disability.

117 (b) Any issues concerning inaccessibility to polling places by a person with a disability
118 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
119 clerk shall be:

120 (i) forwarded to the Office of the Lieutenant Governor; and

- 121 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
122 either:
- 123 (A) remedied at the particular location by the county clerk;
- 124 (B) the county clerk shall designate an alternative accessible location for the particular
125 precinct; or
- 126 (C) if no practical solution can be identified, file with the Office of the Lieutenant
127 Governor a written explanation identifying the reasons compliance cannot reasonably be met.
- 128 (4) (a) The municipality in which the election is held shall pay the cost of conducting
129 each municipal election, including the cost of printing and supplies.
- 130 (b) (i) Costs assessed by a county clerk to a municipality under this section shall not
131 exceed the actual costs incurred by the county clerk.
- 132 (ii) The actual costs shall include:
- 133 (A) costs of or rental fees associated with the use of election equipment and supplies;
134 and
- 135 (B) reasonable and necessary administrative costs.
- 136 (5) The county clerk shall make detailed entries of all proceedings had under this
137 chapter.

Legislative Review Note
as of 1-4-08 11:07 AM

Office of Legislative Research and General Counsel

H.B. 296 - Voting Machines Used by Municipalities

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
