

**NEUTRALITY REQUIRED OF POLL WORKERS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill modifies the Election Code by amending poll worker provisions.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a poll worker from wearing or displaying a logo, insignia, letters, or words that disclose the poll worker's support of, opposition to, or affiliation with a candidate, political party, political issue, corporation, or advocacy organization;
- ▶ provides for certain exceptions; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:****20A-5-605**, as last amended by Laws of Utah 2007, Chapter 75

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **20A-5-605** is amended to read:**20A-5-605. Duties of poll workers.**

(1) (a) Poll workers shall:

~~[(a)]~~ (i) arrive at the polling place at a time determined by the election officer; and

~~[(b)]~~ (ii) remain until the official election returns are prepared for delivery.

(b) (i) A poll worker, while present at the polling place, may not wear or display, in a manner that is visible to voters, a logo, insignia, letters, or words that disclose the poll worker's support of, opposition to, or affiliation with a candidate, political party, political issue, corporation, or advocacy organization.

(ii) The provisions of Subsection (1)(b)(i) do not apply to a logo, insignia, letters, or words that only identify the clothing manufacturer and do not communicate an overt political statement.

(2) The election officer may designate:

(a) certain poll workers to act as election judges;

(b) an election judge to act as the presiding election judge; and

(c) certain poll workers to act as clerks.

(3) Upon their arrival to open the polls, the poll workers shall:

(a) if the election officer has not designated which poll workers at a polling place are assigned to act as election judges, as presiding election judge, or as clerks:

(i) designate two poll workers to act as election judges as necessary;

(ii) determine which election judge shall preside as necessary; and

(iii) determine which poll workers shall act as clerks as necessary;

(b) select one or more of their number to deliver the election returns to the election officer or to the place that the election officer designates;

(c) display the United States flag;

(d) examine the voting devices to see that they are in proper working order and that security devices have not been tampered with;

(e) place the voting devices, voting booths, and the ballot box in plain view of those poll workers and watchers that are present;

(f) for paper ballots and ballot sheets, open the ballot packages in the presence of all the poll workers;

(g) check the ballots, supplies, records, and forms;

(h) if directed to do so by the election officer:

(i) make any necessary corrections to the official ballots before they are distributed at the polls; and

(ii) post any necessary notice of errors in electronic ballots before voting commences;

(i) post the sample ballots, instructions to voters, and constitutional amendments, if any; and

(j) open the ballot box in the presence of those assembled, turn it upside down to empty it of anything, and then, immediately before polls open, lock it, or if locks and keys are not available, tape it securely.

(4) (a) If any poll worker fails to appear on the morning of the election, or fails or refuses to act:

(i) at least six qualified electors from the voting precinct who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified person from the voting precinct who is a member of the same political party as the poll worker who is being replaced to act as a poll worker; or

(ii) the election officer shall appoint a qualified person to act as a poll worker.

(b) If a majority of the poll workers are present, they shall open the polls, even though a poll worker has not arrived.

(5) (a) If it is impossible or inconvenient to hold an election at the polling place designated, the poll workers, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.

(b) If the poll workers move to a new polling place, they shall display a proclamation of the change and station a peace officer or some other proper person at the original polling place to notify voters of the location of the new polling place.

(6) If the poll worker who received delivery of the ballots produces packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll workers shall use those substitute ballots as the official election ballots.

(7) If, for any reason, none of the official or substitute ballots are ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot,

90 until substitutes prepared by the election officer are printed and delivered.

91 (8) When it is time to open the polls, one of the poll workers shall announce that the  
92 polls are open as required by Section 20A-1-302, or in the case of early voting, Section  
93 20A-3-602.

94 (9) (a) The poll workers shall comply with the voting procedures and requirements of  
95 Title 20A, Chapter 3, Voting, in allowing people to vote.

96 (b) The poll workers may not allow any person, other than election officials and those  
97 admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

98 (c) Besides the poll workers and watchers, the poll workers may not allow more than  
99 four voters in excess of the number of voting booths provided within six feet of voting devices,  
100 voting booths, and the ballot box.

101 (d) If necessary, the poll workers shall instruct each voter about how to operate the  
102 voting device before the voter enters the voting booth.

103 (e) (i) If the voter requests additional instructions after entering the voting booth, two  
104 poll workers may, if necessary, enter the booth and give the voter additional instructions.

105 (ii) In regular general elections and regular primary elections, the two poll workers who  
106 enter the voting booth to assist the voter shall be of different political parties.

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**Legislative Review Note**

as of 1-24-08 4:47 PM

**Office of Legislative Research and General Counsel**

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**H.B. 338 - Neutrality Required of Poll Workers**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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