ELECTION DAY VOTING CENTERS

2011 GENERAL SESSION
STATE OF UTAH

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LONG TITLE

General Description:
This bill amends the Election Code to authorize an election officer to operate an election day voting center.

Highlighted Provisions:
This bill:
- defines terms;
- authorizes an election officer to operate a voting center at which a voter residing within the political subdivision may vote on election day;
- provides requirements for election day voting centers;
- requires a voter at an election day voting center to use a ballot that is retrievable if the voting center is not designated as a polling place for the voter's precinct;
- requires notice of an election day voting center location;
- requires the lieutenant governor to report to an interim committee;
- sets a repeal date for the reporting requirement to the interim committee; and
- makes technical changes.
Money Appropriated in this Bill:
None

Other Special Clauses:
This bill coordinates with H.B. 33, Election Law Revisions, by merging technical and substantive amendments.

Utah Code Sections Affected:

AMENDS:
20A-4-107, as last amended by Laws of Utah 2010, Chapter 197
20A-5-101, as last amended by Laws of Utah 2009, Chapter 388
20A-7-801, as enacted by Laws of Utah 2007, Chapter 83
63I-2-220, as last amended by Laws of Utah 2008, Chapter 148 and renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:
20A-3-701, Utah Code Annotated 1953
20A-3-702, Utah Code Annotated 1953
20A-3-703, Utah Code Annotated 1953
20A-3-704, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:
20A-4-107, as last amended by Laws of Utah 2010, Chapter 197

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

Section 1. Section 20A-3-701 is enacted to read:

Part 7. Election Day Voting Center

20A-3-701. Definitions.

As used in this part:

(1) "Election day voting center" means a polling place designated by an election officer to provide for voting on election day for a person who:

(a) is eligible to vote; and
(b) resides within the political subdivision holding the election.

(2) "Voting center ballot" means a regular ballot that:

(a) is provided at an election day voting center; and

(b) may be retrieved by the election official during the canvass if the voter cast a ballot at another location or before election day.

Section 2. Section 20A-3-702 is enacted to read:

20A-3-702. Election day voting center -- Hours of operations -- Compliance with Election Code.

(1) An election officer may operate an election day voting center in one or more locations designated under Section 20A-3-703.

(2) An election officer shall provide for voting at an election day voting center by:

(a) regular ballot if:

(i) the election day voting center is designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides; and

(ii) the voter is eligible to vote using a regular ballot in accordance with this title;

(b) voting center ballot if:

(i) the election day voting center is not designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides;

(ii) the voter resides within the political subdivision holding the election; and

(iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this title; or

(c) provisional ballot if the voter is only eligible to vote using a provisional ballot in accordance with this title.

(3) An election officer shall ensure that an election day voting center;

(a) is open on election day during the time period specified under Section 20A-1-302;

(b) allows an eligible voter to vote if the voter;

(i) resides within the political subdivision holding an election; and

(ii) arrives at the election day voting center by the designated closing time in
accordance with Section 20A-1-302; and

(c) is administered according to the requirements of this title.

Section 3. Section 20A-3-703 is enacted to read:

20A-3-703. Election day voting centers as polling places -- Location --

Notification.

The election officer may designate one or more polling places as an election day voting center if:

(1) the election officer notifies the lieutenant governor of the designation and location of an election day voting center at least 15 days before the election;

(2) a polling place meets the requirements for a polling place under Chapter 5, Election Administration; and

(3) a polling place is located in a government building or office, unless the election officer determines that there is no government building or office available, in the area designated by the election officer, that:

(a) can be scheduled for use during election day voting hours;

(b) has the physical facilities necessary to accommodate election day voting requirements;

(c) has adequate space for voting equipment, poll workers, and voters; and

(d) has adequate security, public accessibility, and parking.

Section 4. Section 20A-3-704 is enacted to read:

20A-3-704. Report by election officer.

(1) An election officer who operates an election day voting center shall provide the lieutenant governor with the information described in Subsection (2) for the election officer's political subdivision.

(2) The lieutenant governor shall report to the Government Operations Interim Committee on:

(a) the number of election day voting centers available;

(b) the number of voting center ballots cast at an election day voting center;
(c) the number of voting center ballots not counted because the voter cast a ballot at another location or before election day; and

(d) any recommendations for amendments to this part.

(3) The lieutenant governor and an election officer described in this section shall report on the use of an election day voting center during the previous general election before:

(a) November 1, 2013; and

(b) November 1, 2015.

Section 5. Section 20A-4-107 is amended to read:


(1) As used in this section, a voter is "legally entitled to vote" if:

(a) the voter:

(i) is registered to vote in the state;

(ii) resides within the voting precinct where the voter seeks to vote; and

(ii) votes the ballot for the voting precinct in which the voter resides; and

(iii) provided valid voter identification to the poll worker [as indicated by a notation in the official register];

(b) the voter:

(i) is registered to vote in the state;

(ii) (A) provided valid voter identification to the poll worker [as indicated by a notation in the official register]; or

(B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the voter's identity and residence through some other means; and

(iii) did not vote in the voter's precinct of residence, but the ballot that the voter voted is identical to the ballot voted in the voter's precinct of residence; or

(c) the voter:

(i) is registered to vote in the state;
(ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register; and

(iii) (A) the county clerk verifies the voter's identity and residence through some other means as reliable as photo identification; or

(B) the voter provides valid voter identification to the county clerk or an election officer who is administering the election by the close of normal office hours on Monday after the date of the election.

(2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review the affirmation on the face of each provisional ballot envelope and determine if the person signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter voted.

(b) If the election officer determines that the person is not a registered voter or is not legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to produce or count it.

(c) If the election officer determines that the person is a registered voter and is legally entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from the provisional ballot envelope and place the ballot with the absentee ballots to be counted with those ballots at the canvass.

(d) The election officer may not count, or allow to be counted a provisional ballot unless the voter's identity and residence is established by a preponderance of the evidence.

(3) If the election officer determines that the person is a registered voter, the election officer shall ensure that the voter registration records are updated to reflect the information provided on the provisional ballot envelope.

(4) If the election officer determines that the person is not a registered voter and the information on the provisional ballot envelope is complete, the election officer shall:

(a) consider the provisional ballot envelope a voter registration form; and
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(b) register the voter.

Section 6. Section 20A-5-101 is amended to read:


(1) On or before February 1 in each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

(a) designates the offices to be filled at the regular general election;
(b) identifies the dates for filing a declaration of candidacy for those offices; and
(c) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

(2) (a) No later than February 15, each county clerk shall:

(i) publish a notice:

(A) once in a newspaper published in that county; and
(B) as required in Section 45-1-101; or

(ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county; and
(B) prepare an affidavit of that posting, showing a copy of the notice and the places where the notice was posted.

(b) The notice required by Subsection (2)(a) shall:

(i) designate the offices to be voted on in that election in that county, other than local district offices; and

(ii) identify the dates for filing a declaration of candidacy for those offices.

(3) Before each election, the election officer shall give written or printed notice of:

(a) the date and place of election;
(b) the hours during which the polls will be open;
(c) the polling places for each voting precinct; [and]
(d) an election day voting center designated under Section 20A-3-703; and
(e) the qualifications for persons to vote in the election.

(4) To provide the notice required by Subsection (3), the election officer shall publish
the notice at least two days before the election:

(a) in a newspaper of general circulation common to the area or in which the election is
being held; and

(b) as required in Section 45-1-101.

Section 7. Section 20A-7-801 is amended to read:

20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.

(1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.

(2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:

(a) the offices and candidates up for election; and

(b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters.

(3) Except as provided under Subsection (6), the website shall include:

(a) all information currently provided in the Utah voter information pamphlet under Title 20A, Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process;

(b) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions; [and]

(c) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3-703 and the location of the election day voting center; and

[(ee) (d) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot]
An election official shall submit the following information for each ballot label under the election official's direct responsibility under this title:

(i) a list of all candidates for each office;

(ii) if submitted by the candidate to the election official's office on or before August 20 at 5 p.m.:

(A) a statement of qualifications, not exceeding 200 words in length, for each candidate;

(B) the following biographical information if desired by the candidate, current:

(I) age;

(II) occupation;

(III) city of residence;

(IV) years of residence in current city; and

(V) email address; and

(C) a single web address where voters may access more information about the candidate and the candidate's views; and

(iii) factual information pertaining to all ballot propositions submitted to the voters, including:

(A) a copy of the number and ballot title of each ballot proposition;

(B) the final vote cast for each ballot proposition, if any, by a legislative body if the vote was required to place the ballot proposition on the ballot;

(C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and

(D) other factual information determined helpful by the election official.

(b) The information under Subsection (4)(a) shall be submitted to the lieutenant governor no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.

(c) The lieutenant governor shall:
(i) review the information submitted under this section prior to placing it on the website to determine compliance under this section;
(ii) refuse to post information submitted under this section on the website if it is not in compliance with the provisions of this section; and
(iii) organize, format, and arrange the information submitted under this section for the website.

(d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:
(i) Utah voter needs;
(ii) public decency; or
(iii) the purposes, organization, or uniformity of the website.
(e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).

(5) (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the lieutenant governor within 10 business days after the date of the determination. A notice of appeal submitted under this Subsection (5)(a) shall contain:
(i) a listing of each objection to the lieutenant governor's determination; and
(ii) the basis for each objection.
(b) The lieutenant governor shall review the notice of appeal and shall issue a written response within 10 business days after the notice of appeal is submitted.
(c) An appeal of the response of the lieutenant governor shall be made to the district court, which shall review the matter de novo.

(6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently enter the voter's address information on the website to retrieve information on which offices, candidates, and ballot propositions will be on the voter's ballot at the next general election or municipal election.
(b) The information on the website will anticipate and answer frequent voter questions
including the following:

(i) what offices are up in the current year for which the voter may cast a vote;
(ii) who is running for what office and who is the incumbent, if any;
(iii) what address each candidate may be reached at and how the candidate may be contacted;
(iv) for partisan races only, what, if any, is each candidate's party affiliation;
(v) what qualifications have been submitted by each candidate;
(vi) where additional information on each candidate may be obtained;
(vii) what ballot propositions will be on the ballot; and
(viii) what judges are up for retention election.

(7) By not later than March 1, 2008, the lieutenant governor shall have the Statewide Electronic Voter Information Website Program ready for use in the next election in accordance with this section.

(8) As resources are made available and in cooperation with the county clerks, the lieutenant governor may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

Section 8. Section 63I-2-220 is amended to read:

63I-2-220. Repeal dates, Title 20A.

(1) Section 20A-2-107.5 is repealed July 1, 2013.
(2) Section 20A-3-704 is repealed January 1, 2016.

Section 9. Coordinating H.B. 130 with H.B. 33 -- Merging technical and substantive amendments.

If this H.B. 130 and H.B. 33, Election Law Revisions, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication merge the changes from both bills to modify Subsection 20A-4-107(1)(a)(ii) to read:

"(ii) votes the ballot for the voting precinct in which the person resides; and".