

1 **ELECTION DAY VOTING CENTERS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca Chavez-Houck**

5 Senate Sponsor: Peter C. Knudson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code to authorize an election officer to operate an
10 election day voting center.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ authorizes an election officer to operate a voting center at which a voter residing
15 within the political subdivision may vote on election day;
- 16 ▶ provides requirements for election day voting centers;
- 17 ▶ requires a voter at an election day voting center to use a ballot that is retrievable if
18 the voting center is not designated as a polling place for the voter's precinct;
- 19 ▶ requires notice of an election day voting center location;
- 20 ▶ requires the lieutenant governor to report to an interim committee;
- 21 ▶ sets a repeal date for the reporting requirement to the interim committee; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 20A-4-107, as last amended by Laws of Utah 2010, Chapter 197

30 20A-5-101, as last amended by Laws of Utah 2009, Chapter 388

31 20A-7-801, as enacted by Laws of Utah 2007, Chapter 83

32 63I-2-220, as last amended by Laws of Utah 2008, Chapter 148 and renumbered and
33 amended by Laws of Utah 2008, Chapter 382

34 ENACTS:

35 20A-3-701, Utah Code Annotated 1953

36 20A-3-702, Utah Code Annotated 1953

37 20A-3-703, Utah Code Annotated 1953

38 20A-3-704, Utah Code Annotated 1953



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

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

42 **Part 7. Election Day Voting Center**

43 **20A-3-701. Definition.**

44 As used in this part:

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

47 (a) is eligible to vote; and

48 (b) resides within the political subdivision holding the election.

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

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

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

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

54 **20A-3-702. Election day voting center -- Hours of operations -- Compliance with**
55 **Election Code.**

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

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

- 59 (a) regular ballot if:
- 60 (i) the election day voting center is designated under Section 20A-5-403 as the polling
- 61 place for the voting precinct in which the voter resides; and
- 62 (ii) the voter is eligible to vote using a regular ballot in accordance with this title;
- 63 (b) voting center ballot if:
- 64 (i) the election day voting center is not designated under Section 20A-5-403 as the
- 65 polling place for the voting precinct in which the voter resides;
- 66 (ii) the voter resides within the political subdivision holding the election; and
- 67 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this
- 68 title; or
- 69 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
- 70 accordance with this title.

- 71 (3) An election officer shall ensure that an election day voting center:
- 72 (a) is open on election day during the time period specified under Section 20A-1-302;
- 73 (b) allows an eligible voter to vote if the voter:
- 74 (i) resides within the political subdivision holding an election; and
- 75 (ii) arrives at the election day voting center by the designated closing time in
- 76 accordance with Section 20A-1-302; and
- 77 (c) is administered according to the requirements of this title.

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

79 **20A-3-703. Election day voting centers as polling places -- Location --**

80 **Notification.**

- 81 The election officer may designate one or more polling places as an election day voting
- 82 center if:
- 83 (1) the election officer notifies the lieutenant governor of the designation and location
- 84 of an election day voting center at least 15 days before the election;
- 85 (2) a polling place meets the requirements for a polling place under Chapter 5, Election
- 86 Administration; and
- 87 (3) a polling place is located in a government building or office, unless the election
- 88 officer determines that there is no government building or office available, in the area
- 89 designated by the election officer, that:

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

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

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

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

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

96 **20A-3-704. Report by election officer.**

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

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

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

103 (b) the number of voting center ballots cast at an election day voting center;

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

106 (d) any recommendations for amendments to this part.

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

109 (a) November 1, 2013; and

110 (b) November 1, 2015.

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

112 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

114 (a) the voter:

115 (i) is registered to vote in the state;

116 ~~[(ii) resides within the voting precinct where the voter seeks to vote; and]~~

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

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

120 (b) the voter:

121 (i) is registered to vote in the state;

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

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

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

130 (c) the voter:

131 (i) is registered to vote in the state;

132 (ii) either failed to provide valid voter identification or the documents provided as
133 valid voter identification were inadequate and the poll worker recorded that fact in the official
134 register; and

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

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

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

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

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

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

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

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

159 (a) consider the provisional ballot envelope a voter registration form; and

160 (b) register the voter.

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

162 **20A-5-101. Notice of election.**

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

165 (a) designates the offices to be filled at the regular general election;

166 (b) identifies the dates for filing a declaration of candidacy for those offices; and

167 (c) contains a description of any ballot propositions to be decided by the voters that
168 have qualified for the ballot as of that date.

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

170 (i) publish a notice:

171 (A) once in a newspaper published in that county; and

172 (B) as required in Section 45-1-101; or

173 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
174 give notice of the election to the voters in each voting precinct within the county; and

175 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
176 where the notice was posted.

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

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

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

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

182 (a) the date and place of election;

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

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

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

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

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

193 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
 194 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
 195 **Frequently asked voter questions -- Other elections.**

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

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

- 202 (a) the offices and candidates up for election; and
- 203 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
 204 of ballot propositions submitted to the voters.

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

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

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

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

214 [~~(c)~~] (d) other information determined appropriate by the lieutenant governor that is
215 currently being provided by law, rule, or ordinance in relation to candidates and ballot
216 questions.

217 (4) (a) An election official shall submit the following information for each ballot label
218 under the election official's direct responsibility under this title:

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

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

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

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

225 (I) age;

226 (II) occupation;

227 (III) city of residence;

228 (IV) years of residence in current city; and

229 (V) email address; and

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

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

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

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

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

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

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

243 (c) The lieutenant governor shall:

244 (i) review the information submitted under this section prior to placing it on the

245 website to determine compliance under this section;

246 (ii) refuse to post information submitted under this section on the website if it is not in
247 compliance with the provisions of this section; and

248 (iii) organize, format, and arrange the information submitted under this section for the
249 website.

250 (d) The lieutenant governor may refuse to include information the lieutenant governor
251 determines is not in keeping with:

252 (i) Utah voter needs;

253 (ii) public decency; or

254 (iii) the purposes, organization, or uniformity of the website.

255 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
256 Subsection (5).

257 (5) (a) A person whose information is refused under Subsection (4), and who is
258 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
259 lieutenant governor within 10 business days after the date of the determination. A notice of
260 appeal submitted under this Subsection (5)(a) shall contain:

261 (i) a listing of each objection to the lieutenant governor's determination; and

262 (ii) the basis for each objection.

263 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
264 response within 10 business days after the notice of appeal is submitted.

265 (c) An appeal of the response of the lieutenant governor shall be made to the district
266 court, which shall review the matter de novo.

267 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
268 enter the voter's address information on the website to retrieve information on which offices,
269 candidates, and ballot propositions will be on the voter's ballot at the next general election or
270 municipal election.

271 (b) The information on the website will anticipate and answer frequent voter questions
272 including the following:

273 (i) what offices are up in the current year for which the voter may cast a vote;

274 (ii) who is running for what office and who is the incumbent, if any;

275 (iii) what address each candidate may be reached at and how the candidate may be

276 contacted;

277 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

278 (v) what qualifications have been submitted by each candidate;

279 (vi) where additional information on each candidate may be obtained;

280 (vii) what ballot propositions will be on the ballot; and

281 (viii) what judges are up for retention election.

282 (7) By not later than March 1, 2008, the lieutenant governor shall have the Statewide

283 Electronic Voter Information Website Program ready for use in the next election in accordance

284 with this section.

285 (8) As resources are made available and in cooperation with the county clerks, the

286 lieutenant governor may expand the electronic voter information website program to include

287 the same information as provided under this section for special elections and primary elections.

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

289 **63I-2-220. Repeal dates, Title 20A.**

290 (1) Section 20A-2-107.5 is repealed July 1, 2013.

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

Legislative Review Note
as of 2-14-11 2:45 PM

Office of Legislative Research and General Counsel