

28 AMENDS:

29 **20A-3-306**, as last amended by Laws of Utah 2012, Chapter 309

30 **20A-3-306.5**, as last amended by Laws of Utah 1999, Chapter 45

31 **20A-7-801**, as last amended by Laws of Utah 2012, Chapter 334

32 **20A-16-404**, as enacted by Laws of Utah 2011, Chapter 327

33 **20A-16-408**, as enacted by Laws of Utah 2011, Chapter 327

34 **67-1a-2**, as last amended by Laws of Utah 2012, Chapter 35

35 ENACTS:

36 **20A-1-308**, Utah Code Annotated 1953



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

39 Section 1. Section **20A-1-308** is enacted to read:

40 **20A-1-308. Elections during declared emergencies.**

41 (1) As used in this section, "declared emergency" means a state of emergency that:

42 (a) is declared by:

43 (i) the president of the United States;

44 (ii) the governor in an executive order under Title 63K, Chapter 4, Disaster Response
45 and Recovery Act; or

46 (iii) the chief executive officer of a political subdivision in a proclamation under Title
47 63K, Chapter 4, Disaster Response and Recovery Act; and

48 (b) affects an election in the state, including:

49 (i) the transmittal or voting of an absentee ballot or military-overseas ballot;

50 (ii) the counting of an absentee ballot or military-overseas ballot; or

51 (iii) the canvassing of election returns.

52 (2) During a declared emergency, the lieutenant governor may designate a method or
53 time that is different from what is provided in this title for:

54 (a) voting an absentee ballot or military-overseas ballot; and

55 (b) counting an absentee ballot or military-overseas ballot.

56 (3) The lieutenant governor shall notify a voter of a different method or time
57 designated under Subsection (2) by:

58 (a) posting a notice on the Statewide Electronic Voter Information Website established

59 under Section 20A-7-801;

60 (b) notifying an election officer affected by the designation; and

61 (c) notifying a newspaper of general circulation within the state or a local media
62 correspondent.

63 Section 2. Section **20A-3-306** is amended to read:

64 **20A-3-306. Voting ballot -- Returning ballot.**

65 (1) (a) [~~F~~] Except as provided by Section 20A-1-308, to vote a mail-in absentee
66 ballot, the absentee voter shall:

67 (i) complete and sign the affidavit on the envelope;

68 (ii) mark the votes on the absentee ballot;

69 (iii) place the voted absentee ballot in the envelope;

70 (iv) securely seal the envelope; and

71 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit

72 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
73 obtained.

74 (b) [~~F~~] Except as provided by Section 20A-1-308, to vote an absentee ballot in person
75 at the office of the election officer, the absent voter shall:

76 (i) complete and sign the affidavit on the envelope;

77 (ii) mark the votes on the absent-voter ballot;

78 (iii) place the voted absent-voter ballot in the envelope;

79 (iv) securely seal the envelope; and

80 (v) give the ballot and envelope to the election officer.

81 (2) [~~A~~] Except as provided by Section 20A-1-308, an absentee ballot is not valid
82 unless:

83 (a) in the case of an absentee ballot that is voted in person, it is applied for and cast in
84 person at the office of the appropriate election officer no later than the Friday before election
85 day; or

86 (b) in the case of a military-overseas ballot, submitted in accordance with Section
87 20A-16-404.

88 Section 3. Section **20A-3-306.5** is amended to read:

89 **20A-3-306.5. Emergency absentee ballots.**

90 (1) As used in this section, "hospitalized voter" means a registered voter who is
91 hospitalized or otherwise confined to a medical or long-term care institution after the deadline
92 for filing an application for an absentee ballot established in Section 20A-3-304.

93 (2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an
94 absentee ballot and vote on election day by following the procedures and requirements of this
95 section.

96 (3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an
97 absentee ballot envelope from the election officer on behalf of a hospitalized voter by
98 requesting a ballot and application in person at the election officer's office.

99 (b) The election officer shall require the person to sign a statement identifying himself
100 and the hospitalized voter.

101 (4) To vote, the hospitalized voter shall complete the absentee ballot application,
102 complete and sign the application on the absentee ballot envelope, mark his votes on the
103 absentee ballot, place the absentee ballot into the envelope, and seal the envelope unless a
104 different method is authorized under Section 20A-1-308.

105 (5) To be counted, the absentee voter application and the sealed absentee ballot
106 envelope must be returned to the election officer's office before the polls close on election day
107 unless a different time is authorized under Section 20A-1-308.

108 Section 4. Section **20A-7-801** is amended to read:

109 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
110 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
111 **Frequently asked voter questions -- Other elections.**

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

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

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

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

- 121 (3) Except as provided under Subsection (6), the website shall include:
- 122 (a) all information currently provided in the Utah voter information pamphlet under
123 Title 20A, Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
124 analyzed, and submitted by the Judicial Council describing the judicial selection and retention
125 process;
- 126 (b) all information submitted by election officers under Subsection (4) on local office
127 races, local office candidates, and local ballot propositions;
- 128 (c) a list that contains the name of a political subdivision that operates an election day
129 voting center under Section 20A-3-703 and the location of the election day voting center; ~~and~~
- 130 (d) other information determined appropriate by the lieutenant governor that is
131 currently being provided by law, rule, or ordinance in relation to candidates and ballot
132 questions[-]; and
- 133 (e) an alternative method or time designated under Section 20A-1-308 for voting or
134 counting an absentee or military-overseas ballot.
- 135 (4) (a) An election official shall submit the following information for each ballot label
136 under the election official's direct responsibility under this title:
- 137 (i) a list of all candidates for each office;
- 138 (ii) if submitted by the candidate to the election official's office at 5 p.m. at least 45
139 days before the primary election and 60 days before the general election:
- 140 (A) a statement of qualifications, not exceeding 200 words in length, for each
141 candidate;
- 142 (B) the following biographical information if desired by the candidate, current:
- 143 (I) age;
- 144 (II) occupation;
- 145 (III) city of residence;
- 146 (IV) years of residence in current city; and
- 147 (V) email address; and
- 148 (C) a single web address where voters may access more information about the
149 candidate and the candidate's views; and
- 150 (iii) factual information pertaining to all ballot propositions submitted to the voters,
151 including:

- 152 (A) a copy of the number and ballot title of each ballot proposition;
- 153 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
- 154 vote was required to place the ballot proposition on the ballot;
- 155 (C) a complete copy of the text of each ballot proposition, with all new language
- 156 underlined and all deleted language placed within brackets; and
- 157 (D) other factual information determined helpful by the election official.
- 158 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
- 159 governor no later than one business day after the deadline under Subsection (4)(a) for each
- 160 general election year and each municipal election year.
- 161 (c) The lieutenant governor shall:
- 162 (i) review the information submitted under this section prior to placing it on the
- 163 website to determine compliance under this section;
- 164 (ii) refuse to post information submitted under this section on the website if it is not in
- 165 compliance with the provisions of this section; and
- 166 (iii) organize, format, and arrange the information submitted under this section for the
- 167 website.
- 168 (d) The lieutenant governor may refuse to include information the lieutenant governor
- 169 determines is not in keeping with:
- 170 (i) Utah voter needs;
- 171 (ii) public decency; or
- 172 (iii) the purposes, organization, or uniformity of the website.
- 173 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
- 174 Subsection (5).
- 175 (5) (a) A person whose information is refused under Subsection (4), and who is
- 176 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
- 177 lieutenant governor within 10 business days after the date of the determination. A notice of
- 178 appeal submitted under this Subsection (5)(a) shall contain:
- 179 (i) a listing of each objection to the lieutenant governor's determination; and
- 180 (ii) the basis for each objection.
- 181 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
- 182 response within 10 business days after the notice of appeal is submitted.

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

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

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

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

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

193 (iii) what address each candidate may be reached at and how the candidate may be
194 contacted;

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

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

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

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

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

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

203 Section 5. Section **20A-16-404** is amended to read:

204 **20A-16-404. Timely casting of ballot.**

205 [~~7~~] Except as provided by Section 20A-1-308, to be valid, a military-overseas ballot
206 shall be:

207 (1) received by the appropriate election officer not later than the close of the polls; or

208 (2) submitted for mailing, electronic transmission, or other authorized means of
209 delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date
210 of the election.

211 Section 6. Section **20A-16-408** is amended to read:

212 **20A-16-408. Receipt of voted ballot.**

213 (1) [~~A~~] Except as provided by Section 20A-1-308, a valid military-overseas ballot cast

214 in accordance with Section 20A-16-404 shall be counted if the military-overseas ballot is
215 delivered by the end of business on the business day before the latest deadline for completing
216 the canvass to the address that the appropriate state or local election office has specified.

217 (2) If, at the time of completing a military-overseas ballot and balloting materials, the
218 voter has declared under penalty of perjury as provided in Title 76, Chapter 8, Part 5,
219 Falsification in Official Matters, that the ballot was timely submitted, the ballot may not be
220 rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

221 Section 7. Section **67-1a-2** is amended to read:

222 **67-1a-2. Duties enumerated.**

223 (1) The lieutenant governor shall:

224 (a) perform duties delegated by the governor, including assignments to serve in any of
225 the following capacities:

226 (i) as the head of any one department, if so qualified, with the consent of the Senate,
227 and, upon appointment at the pleasure of the governor and without additional compensation;

228 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
229 law for the purpose of advising the governor or coordinating intergovernmental or
230 interdepartmental policies or programs;

231 (iii) as liaison between the governor and the state Legislature to coordinate and
232 facilitate the governor's programs and budget requests;

233 (iv) as liaison between the governor and other officials of local, state, federal, and
234 international governments or any other political entities to coordinate, facilitate, and protect the
235 interests of the state;

236 (v) as personal advisor to the governor, including advice on policies, programs,
237 administrative and personnel matters, and fiscal or budgetary matters; and

238 (vi) as chairperson or member of any temporary or permanent boards, councils,
239 commissions, committees, task forces, or other group appointed by the governor;

240 (b) serve on all boards and commissions in lieu of the governor, whenever so
241 designated by the governor;

242 (c) serve as the chief election officer of the state as required by Subsection (2);

243 (d) keep custody of the Great Seal of Utah;

244 (e) keep a register of, and attest, the official acts of the governor;

245 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
246 which the official signature of the governor is required; and

247 (g) furnish a certified copy of all or any part of any law, record, or other instrument
248 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
249 it and pays the fee.

250 (2) (a) As the chief election officer, the lieutenant governor shall:

251 (i) exercise general supervisory authority over all elections;

252 (ii) exercise direct authority over the conduct of elections for federal, state, and
253 multicounty officers and statewide or multicounty ballot propositions and any recounts
254 involving those races;

255 (iii) assist county clerks in unifying the election ballot;

256 (iv) (A) prepare election information for the public as required by statute and as
257 determined appropriate by the lieutenant governor;

258 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
259 news media on the Internet and in other forms as required by statute or as determined
260 appropriate by the lieutenant governor;

261 (v) receive and answer election questions and maintain an election file on opinions
262 received from the attorney general;

263 (vi) maintain a current list of registered political parties as defined in Section
264 20A-8-101;

265 (vii) maintain election returns and statistics;

266 (viii) certify to the governor the names of those persons who have received the highest
267 number of votes for any office;

268 (ix) ensure that all voting equipment purchased by the state complies with the
269 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7;

270 (x) conduct the study described in Section 67-1a-14; [~~and~~]

271 (xi) during a declared emergency, designate an alternative method or time regarding an
272 absentee or military-overseas ballot in accordance with Section 20A-1-308; and

273 [~~(xi)~~] (xii) perform other election duties as provided in Title 20A, Election Code.

274 (b) As chief election officer, the lieutenant governor may not assume the
275 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election

276 officials by Title 20A, Election Code.

277 (3) (a) The lieutenant governor shall:

278 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's
279 incorporation under Title 10, Chapter 2, Part 1, Incorporation, based on the city's population
280 using the population estimate from the Utah Population Estimates Committee; and

281 (B) (I) prepare a certificate indicating the class in which the new city belongs based on
282 the city's population; and

283 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the
284 city's legislative body;

285 (ii) (A) determine the classification under Section 10-2-301 of a consolidated
286 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
287 6, Consolidation of Municipalities, using population information from:

288 (I) each official census or census estimate of the United States Bureau of the Census;
289 or

290 (II) the population estimate from the Utah Population Estimates Committee, if the
291 population of a municipality is not available from the United States Bureau of the Census; and

292 (B) (I) prepare a certificate indicating the class in which the consolidated municipality
293 belongs based on the municipality's population; and

294 (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the
295 consolidated municipality's legislative body; and

296 (iii) monitor the population of each municipality using population information from:

297 (A) each official census or census estimate of the United States Bureau of the Census;
298 or

299 (B) the population estimate from the Utah Population Estimates Committee, if the
300 population of a municipality is not available from the United States Bureau of the Census.

301 (b) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates that
302 a municipality's population has increased beyond the population for its current class, the
303 lieutenant governor shall:

304 (i) prepare a certificate indicating the class in which the municipality belongs based on
305 the increased population figure; and

306 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the

307 legislative body of the municipality whose class has changed.

308 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates
309 that a municipality's population has decreased below the population for its current class, the
310 lieutenant governor shall send written notification of that fact to the municipality's legislative
311 body.

312 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
313 population has decreased below the population for its current class, the lieutenant governor
314 shall:

315 (A) prepare a certificate indicating the class in which the municipality belongs based
316 on the decreased population figure; and

317 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
318 legislative body of the municipality whose class has changed.

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