

1 **POLL LOCATION AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Craig Hall**

5 Senate Sponsor: Wayne A. Harper

7 **LONG TITLE**

8 **General Description:**

9 This bill allows an election officer to establish an early voting polling place or an
10 election day voting center after certain statutory deadlines.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows an election officer to establish an early voting center or an election day
14 voting center after certain statutory deadlines have passed if certain conditions are
15 met;
- 16 ▶ amends requirements for an election notice, and the voter information pamphlet,
17 regarding certain polling location information; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **11-14-202**, as last amended by Laws of Utah 2014, Chapter 325

26 **20A-3-603**, as last amended by Laws of Utah 2013, Chapter 182

27 **20A-3-604**, as last amended by Laws of Utah 2013, Chapter 182



28 **20A-3-703**, as enacted by Laws of Utah 2011, Chapter 291
 29 **20A-5-101**, as last amended by Laws of Utah 2016, Chapter 23
 30 **20A-7-702**, as last amended by Laws of Utah 2016, Chapter 348



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **11-14-202** is amended to read:

34 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

35 (1) The governing body shall ensure that notice of the election is provided:

36 (a) once per week during three consecutive weeks by publication in a newspaper
 37 having general circulation in the local political subdivision in accordance with Section
 38 **11-14-316**, the first publication occurring not less than 21 nor more than 35 days before the
 39 election;

40 (b) on a website, if available, in accordance with Section **45-1-101** for the three weeks
 41 that immediately precede the election; and

42 (c) in a local political subdivision where there is no newspaper of general circulation,
 43 by posting notice of the bond election in at least five public places in the local political
 44 subdivision at least 21 days before the election.

45 (2) When the debt service on the bonds to be issued will increase the property tax
 46 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
 47 per year, the governing body shall prepare and mail either a voter information pamphlet or a
 48 notification described in Subsection (6):

49 (a) at least 15 days but not more than 45 days before the bond election;

50 (b) to each household containing a registered voter who is eligible to vote on the
 51 bonds; and

52 (c) that includes the information required by Subsections (3) and (4).

53 [~~(3) The notice and voter information pamphlet required by this section]~~

54 (3) (a) Except as provided in Subsection (3)(b), the notice described in Subsection (1)
 55 shall include:

56 [~~(a)~~] (i) the date [~~and place~~] of the election;

57 [~~(b)~~] (ii) the hours during which the polls will be open; [~~and~~]

58 (iii) the location of each polling place or the address of a website that lists the location

59 of each polling place; and

60 [~~☞~~] (iv) the title and text of the ballot proposition.

61 (b) The notice described in Subsection (3)(a) is not required to include information
62 regarding an additional:

63 (i) early voting polling place designated, for which notice is provided in accordance
64 with Subsection 20A-3-603(2); or

65 (ii) election day voting center designated for which notice is provided, in accordance
66 with Subsection 20A-3-703(2).

67 (4) The voter information pamphlet required by this section shall include:

68 (a) the information required by Subsection (3); and

69 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
70 which may be based on information the governing body determines to be useful, including:

71 (i) expected debt service on the bonds to be issued;

72 (ii) a description of the purpose, remaining principal balance, and maturity date of any
73 outstanding general obligation bonds of the issuer;

74 (iii) funds other than property taxes available to pay debt service on general obligation
75 bonds;

76 (iv) timing of expenditures of bond proceeds;

77 (v) property values; and

78 (vi) any additional information that the governing body determines may be useful to
79 explain the property tax impact of issuance of the bonds.

80 (5) The governing body shall pay the costs associated with the notice required by this
81 section.

82 (6) (a) The governing body may mail a notice printed on a postage prepaid,
83 preaddressed return form that a person may use to request delivery of a voter information
84 pamphlet by mail.

85 (b) The notice described in Subsection (6)(a) shall include:

86 (i) the website upon which the voter information pamphlet is available; and

87 (ii) the phone number a voter may call to request delivery of a voter information
88 pamphlet by mail.

89 (7) A local school board shall comply with the voter information pamphlet

90 requirements described in Section 53A-18-102.

91 Section 2. Section 20A-3-603 is amended to read:

92 **20A-3-603. Early voting polling places.**

93 (1) Except as provided in Section 20A-1-308, the election officer shall designate one or
94 more polling places for early voting, provided that:

95 (a) at least one polling place is open on each day that polls are open during the early
96 voting period;

97 (b) each polling place meets the requirements for polling places under Chapter 5,
98 Election Administration;

99 (c) for all elections other than local special elections, municipal primary elections, and
100 municipal general elections, at least 10% of the voting devices at a polling place are accessible
101 for individuals with disabilities in accordance with Public Law 107-252, the Help America
102 Vote Act of 2002; and

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

106 (i) can be scheduled for use during early voting hours;

107 (ii) has the physical facilities necessary to accommodate early voting requirements;

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

109 (iv) has adequate security, public accessibility, and parking.

110 (2) (a) Except as provided in Section 20A-1-308, ~~[in the event]~~ if the election officer
111 determines, after the deadline described in Section 20A-3-604, that the number of early voting
112 polling places is insufficient ~~[due to the number of registered voters who are voting]~~, the
113 election officer may designate additional early voting polling places ~~[during the early voting~~
114 period].

115 (b) Except as provided in Section 20A-1-308, if an additional early voting polling place
116 is designated under Subsection (2)(a), the election officer shall, as soon as is reasonably
117 possible, give notice of the designation and the dates, times, and location of the ~~[additional]~~
118 polling place ~~[by]~~:

119 ~~[(i) publishing the notice:]~~

120 ~~[(A) in one issue of a newspaper of general circulation in the county; and]~~

121 ~~[(B) as required in Section 45-1-101; and]~~

122 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
 123 Information Website;

124 (ii) on the election officer's website, if available; and

125 ~~[(it)]~~ (iii) by posting [the] a notice at the additional polling place.

126 (3) Except as provided in Section 20A-1-308, for each regular general election and
 127 regular primary election, counties of the first class shall ensure that the early voting polling
 128 places are approximately proportionately distributed based on population within the county.

129 Section 3. Section 20A-3-604 is amended to read:

130 **20A-3-604. Notice of time and place of early voting.**

131 Except as provided in Section 20A-1-308 or Subsection 20A-3-603(2), the election
 132 officer shall, at least five days before the day on which early voting begins, give notice of the
 133 dates, times, and locations of early voting by:

134 (1) publishing the notice:

135 (a) in one issue of a newspaper of general circulation in the county [~~at least five~~
 136 ~~calendar days before the date that early voting begins~~]; and

137 (b) in accordance with Section 45-1-101 [~~, at least five calendar days before the date~~
 138 ~~that early voting begins~~]; and

139 (2) posting the notice at each early voting polling place [~~at least five calendar days~~
 140 ~~before the date early voting begins~~].

141 Section 4. Section 20A-3-703 is amended to read:

142 **20A-3-703. Election day voting centers as polling places -- Location --**

143 **Notification.**

144 (1) The election officer may designate [~~one or more polling places~~] a polling place as
 145 an election day voting center if:

146 ~~[(1)]~~ (a) except as provided in Subsection (2), the election officer notifies the lieutenant
 147 governor of the designation and location of [~~an election day voting center~~] the polling place at
 148 least 15 days before the election;

149 ~~[(2)]~~ a (b) the polling place meets the requirements for a polling place under Chapter
 150 5, Election Administration; and

151 ~~[(3)]~~ a (c) the polling place is located in a government building or office, unless the

152 election officer determines that there is no government building or office available, in the area
153 designated by the election officer, that:

154 ~~[(a)]~~ (i) can be scheduled for use during election day voting hours;

155 ~~[(b)]~~ (ii) has the physical facilities necessary to accommodate election day voting
156 requirements;

157 ~~[(c)]~~ (iii) has adequate space for voting equipment, poll workers, and voters; and

158 ~~[(d)]~~ (iv) has adequate security, public accessibility, and parking.

159 (2) (a) An election officer may designate a polling place as an election day voting
160 center after the deadline described in Subsection (1)(a) if, after the deadline described in
161 Subsection (1)(a), the election officer determines that there will be an insufficient number of
162 election day voting centers.

163 (b) An election officer who designates a polling place as an election day voting center
164 under Subsection (2)(a) shall provide notice of the designation and location of the polling place
165 as soon as reasonably possible:

166 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
167 Information Website;

168 (ii) on the election officer's website, if available; and

169 (iii) by posting a notice at the polling place.

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

171 **20A-5-101. Notice of election.**

172 (1) On or before November 15 in the year before each regular general election year, the
173 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

174 (a) designates the offices to be filled at the next year's regular general election;

175 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
176 certifying nomination petition signatures, as applicable, under Sections **20A-9-403**, **20A-9-407**,
177 and **20A-9-408** for those offices;

178 (c) includes the master ballot position list for the next year and the year following as
179 established under Section **20A-6-305**; and

180 (d) contains a description of any ballot propositions to be decided by the voters that
181 have qualified for the ballot as of that date.

182 (2) (a) No later than seven business days after the day on which the lieutenant governor

183 transmits the written notice described in Subsection (1), each county clerk shall:

184 (i) publish a notice:

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

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

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

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

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

192 (i) designate the offices to be voted on in that election; and

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

194 (3) Before each election, the election officer shall give printed notice of the following
195 information, or printed notice of a website where the following information can be obtained:

196 (a) the date ~~and place~~ of election;

197 (b) the hours during which the polls will be open;

198 (c) the polling places for each voting precinct;

199 (d) (i) ~~an~~ the location of each early voting polling place designated under Subsection
200 20A-3-603(1) and each election day voting center designated under [Section] Subsection

201 20A-3-703(1); and

202 (ii) the address of a website where any additional polling places, designated under
203 Subsection 20A-3-603(2) or 20A-3-703(2), will be posted; and

204 (e) the qualifications for persons to vote in the election.

205 (4) To provide the printed notice described in Subsection (3), the election officer shall:

206 (a) publish the notice at least two days before election day:

207 (i) in a newspaper of general circulation common to the area to which the election
208 pertains; and

209 (ii) as required in Section 45-1-101; or

210 (b) mail the notice to each registered voter who resides in the area to which the election
211 pertains at least five days before election day.

212 Section 6. Section 20A-7-702 is amended to read:

213 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

214 (1) The lieutenant governor shall ensure that all information submitted for publication
215 in the voter information pamphlet is:

216 (a) printed and bound in a single pamphlet;

217 (b) printed in clear readable type, no less than 10 point, except that the text of any
218 measure may be set forth in eight-point type; and

219 (c) printed on a quality and weight of paper that best serves the voters.

220 (2) The voter information pamphlet shall contain the following items in this order:

221 (a) a cover title page;

222 (b) an introduction to the pamphlet by the lieutenant governor;

223 (c) a table of contents;

224 (d) a list of all candidates for constitutional offices;

225 (e) a list of candidates for each legislative district;

226 (f) a 100-word statement of qualifications for each candidate for the office of governor,
227 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
228 candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before
229 the date of the election;

230 (g) information pertaining to all measures to be submitted to the voters, beginning a
231 new page for each measure and containing, in the following order for each measure:

232 (i) a copy of the number and ballot title of the measure;

233 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
234 the Legislature or by referendum;

235 (iii) the impartial analysis of the measure prepared by the Office of Legislative
236 Research and General Counsel;

237 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
238 measure, the arguments against the measure, and the rebuttal to the arguments against the
239 measure, with the name and title of the authors at the end of each argument or rebuttal;

240 (v) for each constitutional amendment, a complete copy of the text of the constitutional
241 amendment, with all new language underlined, and all deleted language placed within brackets;

242 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
243 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section

244 [20A-7-202.5](#); and

- 245 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law
246 being submitted to the voters for their approval or rejection, with all new language underlined
247 and all deleted language placed within brackets, as applicable;
- 248 (h) a description provided by the Judicial Performance Evaluation Commission of the
249 selection and retention process for judges, including, in the following order:
- 250 (i) a description of the judicial selection process;
- 251 (ii) a description of the judicial performance evaluation process;
- 252 (iii) a description of the judicial retention election process;
- 253 (iv) a list of the criteria of the judicial performance evaluation and the minimum
254 performance standards;
- 255 (v) the names of the judges standing for retention election; and
- 256 (vi) for each judge:
- 257 (A) a list of the counties in which the judge is subject to retention election;
- 258 (B) a short biography of professional qualifications and a recent photograph;
- 259 (C) a narrative concerning the judge's performance;
- 260 (D) for each standard of performance, a statement identifying whether or not the judge
261 met the standard and, if not, the manner in which the judge failed to meet the standard;
- 262 (E) a statement identifying whether or not the Judicial Performance Evaluation
263 Commission recommends the judge be retained or declines to make a recommendation and the
264 number of votes for and against the commission's recommendation;
- 265 (F) any statement provided by a judge who is not recommended for retention by the
266 Judicial Performance Evaluation Commission under Section [78A-12-203](#);
- 267 (G) in a bar graph, the average of responses to each survey category, displayed with an
268 identification of the minimum acceptable score as set by Section [78A-12-205](#) and the average
269 score of all judges of the same court level; and
- 270 (H) a website address that contains the Judicial Performance Evaluation Commission's
271 report on the judge's performance evaluation;
- 272 (i) for each judge, a statement provided by the Utah Supreme Court identifying the
273 cumulative number of informal reprimands, when consented to by the judge in accordance with
274 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of
275 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article

276 VIII, Section 13, during the judge's current term and the immediately preceding term, and a
277 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct
278 that the judge has received;

279 (j) an explanation of ballot marking procedures prepared by the lieutenant governor,
280 indicating the ballot marking procedure used by each county and explaining how to mark the
281 ballot for each procedure;

282 (k) voter registration information, including information on how to obtain an absentee
283 ballot;

284 (l) a list of all county clerks' offices and phone numbers; [~~and~~]

285 (m) a statement indicating that the location of any additional early voting polling place
286 designated under Subsection 20A-3-603(2) or election day voting center designated under
287 Subsection 20A-3-703(2) will be posted on the Statewide Electronic Voter Information
288 Website; and

289 [~~m~~] (n) on the back cover page, a printed copy of the following statement signed by
290 the lieutenant governor:

291 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
292 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
293 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
294 correct according to law.

295 SEAL

296 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
297 of ____ (month), ____ (year)

298 (signed) _____
299 Lieutenant Governor"

300 (3) No earlier than 75 days, and no later than 15 days, before the day on which voting
301 commences, the lieutenant governor shall:

302 (a) (i) distribute one copy of the voter information pamphlet to each household within
303 the state;

304 (ii) distribute to each household within the state a notice:

305 (A) printed on a postage prepaid, preaddressed return form that a person may use to
306 request delivery of a voter information pamphlet by mail;

307 (B) that states the address of the Statewide Electronic Voter Information Website
308 authorized by Section 20A-7-801; and

309 (C) that states the phone number a voter may call to request delivery of a voter
310 information pamphlet by mail; or

311 (iii) ensure that one copy of the voter information pamphlet is placed in one issue of
312 every newspaper of general circulation in the state;

313 (b) ensure that a sufficient number of printed voter information pamphlets are available
314 for distribution as required by this section;

315 (c) provide voter information pamphlets to each county clerk for free distribution upon
316 request and for placement at polling places; and

317 (d) ensure that the distribution of the voter information pamphlets is completed 15 days
318 before the election.

319 (4) The lieutenant governor may distribute a voter information pamphlet at a location
320 frequented by a person who cannot easily access the Statewide Electronic Voter Information
321 Website authorized by Section 20A-7-801.

Legislative Review Note
Office of Legislative Research and General Counsel