

ELECTION DAY NOTIFICATION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: _____

LONG TITLE

General Description:

This bill amends notification provisions in the Election Code.

Highlighted Provisions:

This bill:

- requires that a notice of bond election include the address of a website that lists the location of each polling place;
- permits an election officer to change or add polling locations after the time of the initial notification of polling places;
- provides for public notice of an additional polling place or a change in the location of a polling place;
- amends election notification and voter information pamphlet provisions to provide for notice of polling places that are changed or added under the provisions of this bill; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



11-14-202, as last amended by Laws of Utah 2014, Chapter 325
20A-3-603, as last amended by Laws of Utah 2013, Chapter 182
20A-3-604, as last amended by Laws of Utah 2013, Chapter 182
20A-3-703, as enacted by Laws of Utah 2011, Chapter 291
20A-5-101, as last amended by Laws of Utah 2016, Chapter 23
20A-7-702, as last amended by Laws of Utah 2016, Chapter 348

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

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

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

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

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

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

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

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

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

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

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

(3) The notice and voter information pamphlet required by this section shall include:

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

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

(c) the title and text of the ballot proposition.

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

(a) the information required by Subsection (3); ~~[and]~~

(b) the address of a website that lists the location of each polling place for the bond election, including the location of the polling place for each voting precinct, each early voting location, and each election day voting center; and

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

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

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

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

(iv) timing of expenditures of bond proceeds;

(v) property values; and

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

(5) The election officer may change the location of, or designate additional polling places for, a voting precinct, early voting, or an election day voting center at any time by updating the information on the website described in Subsection (4)(b).

~~[(5)]~~ (6) The governing body shall pay the costs associated with the notice required by this section.

~~[(6)]~~ (7) (a) The governing body may mail a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.

(b) The notice described in Subsection ~~[(6)]~~ (7)(a) shall include:

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

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

~~[(7)]~~ (8) A local school board shall comply with the voter information pamphlet requirements described in Section 53A-18-102.

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

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

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

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

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

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

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

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

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

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

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

(2) (a) Except as provided in Section **20A-1-308**, in the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.

(b) Except as provided in Section **20A-1-308**, if an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the additional polling place by[:] updating the information on the website described in Subsection **20A-3-604**(2).

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

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

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

~~[(ii) posting the notice at the additional polling place.]~~

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

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

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

(1) Except as provided in Section 20A-1-308, the election officer shall give notice of the dates, times, and locations of early voting by:

~~[(1)]~~ (a) publishing the notice:

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

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

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

(2) The election officer shall include in the notice described in Subsection (1)(a) the address of a website that lists the location of each early voting polling place.

(3) Notwithstanding Subsection (1)(a), the election officer may change the location of, or designate additional polling places for, an early voting polling place by updating the information on the website described in Subsection (2).

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

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

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

~~[(1)]~~ (a) 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)]~~ (b) a polling place meets the requirements for a polling place under Chapter 5, Election Administration; and

~~[(3)]~~ (c) 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:

152 ~~[(a)]~~ (i) can be scheduled for use during election day voting hours;
153 ~~[(b)]~~ (ii) has the physical facilities necessary to accommodate election day voting
154 requirements;
155 ~~[(c)]~~ (iii) has adequate space for voting equipment, poll workers, and voters; and
156 ~~[(d)]~~ (iv) has adequate security, public accessibility, and parking.
157 (2) An election officer may change the location of an election day voting center, or
158 designate additional election day voting centers, after the deadline described in Subsection
159 (1)(a) by updating the information on the website described in Subsection [20A-5-101](#)(3)(d).

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

161 **20A-5-101. Notice of election.**

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

164 (a) designates the offices to be filled at the next year's regular general election;
165 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
166 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
167 and [20A-9-408](#) for those offices;

168 (c) includes the master ballot position list for the next year and the year following as
169 established under Section [20A-6-305](#); and

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

172 (2) (a) No later than seven business days after the day on which the lieutenant governor
173 transmits the written notice described in Subsection (1), each county clerk shall:

174 (i) publish a notice:

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

176 (B) as required in Section [45-1-101](#); or

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

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

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

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

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

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

(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, early voting polling place, and election day voting center;

(d) a statement indicating the address for a website where changes in the location of a polling place and additional polling places will be listed;

~~[(d)]~~ (e) an election day voting center designated under Section 20A-3-703; and

~~[(e)]~~ (f) the qualifications for persons to vote in the election.

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

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

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

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

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

(5) The election officer may change the location of a polling place or designate additional polling places by updating the information on the website described in Subsection (3)(d).

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

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

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

(a) printed and bound in a single pamphlet;

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

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

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

(a) a cover title page;

- 214 (b) an introduction to the pamphlet by the lieutenant governor;
215 (c) a table of contents;
216 (d) a list of all candidates for constitutional offices;
217 (e) a list of candidates for each legislative district;
218 (f) a 100-word statement of qualifications for each candidate for the office of governor,
219 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
220 candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before
221 the date of the election;
222 (g) information pertaining to all measures to be submitted to the voters, beginning a
223 new page for each measure and containing, in the following order for each measure:
224 (i) a copy of the number and ballot title of the measure;
225 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
226 the Legislature or by referendum;
227 (iii) the impartial analysis of the measure prepared by the Office of Legislative
228 Research and General Counsel;
229 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
230 measure, the arguments against the measure, and the rebuttal to the arguments against the
231 measure, with the name and title of the authors at the end of each argument or rebuttal;
232 (v) for each constitutional amendment, a complete copy of the text of the constitutional
233 amendment, with all new language underlined, and all deleted language placed within brackets;
234 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
235 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section
236 [20A-7-202.5](#); and
237 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law
238 being submitted to the voters for their approval or rejection, with all new language underlined
239 and all deleted language placed within brackets, as applicable;
240 (h) a description provided by the Judicial Performance Evaluation Commission of the
241 selection and retention process for judges, including, in the following order:
242 (i) a description of the judicial selection process;
243 (ii) a description of the judicial performance evaluation process;
244 (iii) a description of the judicial retention election process;

- 245 (iv) a list of the criteria of the judicial performance evaluation and the minimum
246 performance standards;
- 247 (v) the names of the judges standing for retention election; and
- 248 (vi) for each judge:
- 249 (A) a list of the counties in which the judge is subject to retention election;
- 250 (B) a short biography of professional qualifications and a recent photograph;
- 251 (C) a narrative concerning the judge's performance;
- 252 (D) for each standard of performance, a statement identifying whether or not the judge
253 met the standard and, if not, the manner in which the judge failed to meet the standard;
- 254 (E) a statement identifying whether or not the Judicial Performance Evaluation
255 Commission recommends the judge be retained or declines to make a recommendation and the
256 number of votes for and against the commission's recommendation;
- 257 (F) any statement provided by a judge who is not recommended for retention by the
258 Judicial Performance Evaluation Commission under Section [78A-12-203](#);
- 259 (G) in a bar graph, the average of responses to each survey category, displayed with an
260 identification of the minimum acceptable score as set by Section [78A-12-205](#) and the average
261 score of all judges of the same court level; and
- 262 (H) a website address that contains the Judicial Performance Evaluation Commission's
263 report on the judge's performance evaluation;
- 264 (i) for each judge, a statement provided by the Utah Supreme Court identifying the
265 cumulative number of informal reprimands, when consented to by the judge in accordance with
266 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of
267 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article
268 VIII, Section 13, during the judge's current term and the immediately preceding term, and a
269 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct
270 that the judge has received;
- 271 (j) an explanation of ballot marking procedures prepared by the lieutenant governor,
272 indicating the ballot marking procedure used by each county and explaining how to mark the
273 ballot for each procedure;
- 274 (k) voter registration information, including information on how to obtain an absentee
275 ballot;

(l) a list of all county clerks' offices and phone numbers; ~~and~~
(m) a statement indicating the address of a website where a change in the location of a
polling place and the location of additional polling places will be listed; and

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

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

SEAL

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

(signed) _____
Lieutenant Governor"

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

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

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

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

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

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

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

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

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

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

309 (4) The lieutenant governor may distribute a voter information pamphlet at a location
310 frequented by a person who cannot easily access the Statewide Electronic Voter Information
311 Website authorized by Section [20A-7-801](#).

Legislative Review Note
Office of Legislative Research and General Counsel