

**ELECTION DAY VOTING CENTERS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code by allowing an election officer to provide election day voting centers under certain circumstances.

**Highlighted Provisions:**

This bill:

- ▶ defines election day voting center;
- ▶ allows an election officer to designate one or more election day voting centers for voters who reside within the local political subdivision holding an election;
- ▶ authorizes a voter to use a regular ballot if the voter resides within the voting precinct designated to vote at the election day voting center;
- ▶ requires a voter to use a provisional ballot if the election day voting center is not designated for the voter's precinct;
- ▶ requires that voting at an election day voting center be administered in accordance with the Election Code;
- ▶ provides requirements for election day voting center locations;
- ▶ requires notice of an election day voting center location before election day; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-4-107**, as last amended by Laws of Utah 2009, Chapters 45 and 202

32 **20A-5-101**, as last amended by Laws of Utah 2009, Chapter 388

33 ENACTS:

34 **20A-3-701**, Utah Code Annotated 1953

35 **20A-3-702**, Utah Code Annotated 1953



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

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

39 **Part 7. Election Day Voting Centers**

40 **20A-3-701. Election day voting centers -- Hours of operations -- Open to eligible**  
41 **voters -- Compliance with election code.**

42 (1) As used in this section, "election day voting center" means a polling place  
43 designated by an election officer to provide for voting on election day for a person who:

44 (a) is eligible to vote; and

45 (b) resides within the local political subdivision administering the election.

46 (2) An election officer may provide an election day voting center in one or more  
47 locations designated under Section 20A-3-702.

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

49 (a) regular ballot if the voter:

50 (i) resides within a voting precinct designated to vote at the election day voting center;

51 and

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

53 (b) provisional ballot if the voter:

54 (i) does not reside within a voting precinct designated to vote at the election day voting  
55 center; or

56 (ii) is only eligible to vote using a provisional ballot in accordance with this title.

57 (4) An election officer shall ensure that an election day voting center:

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

- 59 (b) allows an eligible voter to vote if the voter:
- 60 (i) resides within the local political subdivision holding an election; and
- 61 (ii) arrives at the election day voting center by the designated closing time in
- 62 accordance with Section 20A-1-302; and
- 63 (c) is administered according to the requirements of this title.

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

65 **20A-3-702. Election day voting centers as polling places -- Location.**

66 (1) The election officer shall designate one or more polling places as an election day  
67 voting center, provided that:

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

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

- 73 (i) can be scheduled for use during election day voting hours;
- 74 (ii) has the physical facilities necessary to accommodate election day voting
- 75 requirements;
- 76 (iii) has adequate space for voting equipment, poll workers, and voters; and
- 77 (iv) has adequate security, public accessibility, and parking.

78 (2) If the election officer designates more than one election day voting center, the  
79 election officer shall ensure that the election day voting centers are distributed based on  
80 population within the local political subdivision.

81 Section 3. Section **20A-4-107** is amended to read:

82 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

84 (a) the voter:

- 85 (i) is registered to vote in the state;
- 86 (ii) (A) resides within the voting precinct where the voter seeks to vote; [and] or
- 87 (B) resides within the local political subdivision holding the election if the polling

88 place is:

89 (I) for early voting; or

90            (II) an election day voting center; and

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

93            (b) the voter:

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

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

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

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

103            (c) the voter:

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

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

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

110            (B) the voter provides valid voter identification to the county clerk within five business  
111 days after the date of the election.

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

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

120            (c) If the election officer determines that the person is a registered voter and is legally

121 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from  
122 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with  
123 those ballots at the canvass.

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

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

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

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

133 Section 4. Section **20A-5-101** is amended to read:

134 **20A-5-101. Notice of election.**

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

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

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

142 (i) publish a notice:

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

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

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

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

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

- 152 (ii) identify the dates for filing a declaration of candidacy for those offices.  
153 (3) Before each election, the election officer shall give written or printed notice of:  
154 (a) the date and place of election;  
155 (b) the hours during which the polls will be open;  
156 (c) the polling places for each voting precinct; ~~and~~  
157 (d) the election day voting centers designated under Section 20A-3-701; and  
158 ~~(d)~~ (e) the qualifications for persons to vote in the election.  
159 (4) To provide the notice required by Subsection (3), the election officer shall publish  
160 the notice at least two days before the election:  
161 (a) in a newspaper of general circulation common to the area or in which the election is  
162 being held; and  
163 (b) as required in Section 45-1-101.

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**Legislative Review Note**  
**as of 2-25-10 3:22 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 368 - Election Day Voting Centers**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments may accrue cost savings due to provisions of the bill.

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