

House Joint Resolution 46: Study of Election Laws

Summary of LC9050: Comprehensive Review and Cleanup of Election Statutes

Updated May 6, 2008, to reflect April 2008 decision by
the State Administration and Veterans' Affairs Interim Committee
on Section 53 of the bill draft

The following table summarizes the sections of a bill authorized by the State Administration and Veterans' Affairs Interim Committee for drafting and introduction in the 2009 Legislature. Committee members approved the drafting of the bill after suggesting some revisions. Further, minor changes from the initial bill draft are also incorporated into the final draft based on input from work group members. Sections that were changed from the initial bill draft are identified in bold-faced type, and the changes are explained in the right-hand column of the table.

Page	Section	Statute	Changes/Reasons	Changes Made to 1/7/08 Draft
1	1	13-1-101	Revises "active elector" and "inactive elector" to conform to current practice; adds new definitions, including "voted ballot," to recognize mail ballot and absentee voter issues	Minor changes to active and inactive elector definitions to recognize mail ballot election mailings
8	2	13-1-108	Requires that newspaper or broadcast notice must be selected for ability to reach largest number of voters	Added to conform with SAVA-requested change to 13-2-301
9	3	13-1-113	Clarifies that residency provision applies only to Title 13	
9	4	13-1-115	Adds places of deposit to the list of places at which an elector may not be arrested	
9	5	13-2-110	Shortens this section to group into one subsection the ways in which alternative forms of identification may be presented	
12	6	13-2-116	Recognizes that mail ballot elections don't have precinct registers; sets deadline to accommodate late registration to greatest degree possible	
13	7	13-2-220	Clarifies that reactivation and cancellation of registration are possible	
15	8	13-2-222	Clarifies that a person may reactivate registration by voting in a mail ballot election	
15	9	13-2-301	Requires that notice be provided that the option for late registration exists and clarifies that newspaper or broadcast notice must be selected for the ability to reach the largest number of voters	Clarification of how notice method is to be selected – added at SAVA request

17	10	13-2-304	Allows for late registration ballots to be obtained and voted at a location other than county election administrator's office on Election Day, if the election administrator has designated an alternative location	
18	11	13-2-402	Spells out more clearly how cancellation of a voter's registration may occur	
19	12	13-3-205	Eliminates outdated standards for polling place accessibility	
20	13	13-3-206	Allows a polling place to be resurveyed for accessibility if the original survey was inaccurate	
20	14	13-4-102	Eliminates random selection of election judges	
22	15	13-4-106	Adds state minimum wage as a payment option	
22	16	13-4-202	Clarifies the oaths that an election judge may administer	
23	17	13-4-203	Eliminates expiration provision for an election judge's certification, because the timing creates problems; instead states when they must be certified	
24	18	13-10-211	Clarifies that a county clerk must be notified by a school district of the declaration of a write-in candidacy if the county is conducting the school election	
26	19	13-13-204	Clarifies that a corrected absentee ballot can be obtained and voted at the election administrator's office if the original absentee ballot contains errors or omissions	Added to original draft to address concerns that existing language allows polling place voting of a replacement ballot
27	20	13-13-212	Allows a voter to ask for a permanent absentee ballot at any time, rather than just when applying for an absentee ballot	Requires that the address confirmation form be forwardable
30	21	13-13-213	Adds a voter's designated agent to the verification process; clarifies that an absentee ballot may not be sent if signatures can't be verified	
31	22	13-13-222	Clarifies when an absentee ballot is voted	

32	23	13-13-241	Adds a voter's designated agent to the section; clarifies that identity AND eligibility need to be verified; allows voters to verify signatures by mail or in person and to correct other, more minor issues by several different methods; requires a ballot to be handled as a provisional ballot if issues aren't resolved (rather than requiring the ballot to be rejected)	
35	24	13-13-301	Incorporates section-specific definition into general language of section	
37	25	13-15-107	Adds a voter's designated agent throughout; allows transmission of information by electronic means, rather than electronic mail; makes it clear when verification information can be provided and when provisional ballots may be counted	Requires that provisional ballots not only be received but also verified by the sixth day after the election; allows counting of resolved provisional ballots on Election Day
39	26	13-17-103	Changes "may be" to "is" for requirement that machines be protected against tampering	
40	27	13-7-203	Requires that newspaper or broadcast notice be selected for ability to reach largest number of voters	Added to conform with SAVA-requested change to 13-2-301
41	28	13-17-212	Eliminates reference to direct recording electronic voting systems, since all other references were stricken in the past; requires that 10% of each type of voting system be audited rather than 10% of all voting systems	
42	29	13-19-102	Clarifies definition of "ballot" for mail elections, so more than one type of ballot may be in an envelope	
42	30	13-19-105	Clarifies that secretary of state establishes procedures but county election administrator carries them out	
43	31	13-19-106	Allows exception for absent military/overseas voters; clarifies that counting could start earlier than provided in chapter 15	
45	32	13-19-204	Clarifies that election can't be held by mail, rather than not held at all	
45	33	13-19-205	Requires a written plan that addresses instructions to voters and postage needed for return of ballot	

46	34	13-19-206	References the need for the written instructions that were added to 13-10-205; clarifies that ballots can't be forwarded	Establishes that ballots must be mailed in a manner that <i>requires</i> return of nondeliverable ballots
47	35	13-19-207	Recognizes that ballots could be provided when a voter reactivates registration after ballots have been mailed; allows for mailing until noon on the day before the election (same as absentee and late registration); and recognizes that voting must occur at the office after a certain point	Adds new language in (2)(b)(ii) and (2)(d) to recognize availability of late registration
48	36	13-19-301	Revises when ballot is voted	
49	37	13-19-303	Allows mailed ballot to be provided as an absentee ballot if voter reactivates registration and requests an absentee ballot	Adds new (2)(b)(ii) to recognize availability of late registration
50	38	13-19-304	Allows a person who is not a registered voter but is eligible to vote in an election to provide proof without having to physically come to the office, recognizing that the person may live out of state or out of the county	
51	39	13-19-305	Clarifies handling of replacement ballots	
52	40	13-19-306	Adds elector's agent; recognizes exception for military/overseas voters	
53	41	13-19-307	Requires that places of deposit must be accessible, have accessible voting machines, and be staffed by at least two election officials	Eliminates proposed requirement for accessible voting machines; proposal will be addressed in a separate bill draft
54	42	13-19-308	Adds voter's designated agent; removes requirement that names of people who deliver ballots be logged (because no identification required and this does not have to be done at the election administrator's office)	
55	43	13-19-310	Adds voter's designated agent and designation form; makes a questionable ballot a provisional ballot rather than having it presented to canvassing board for a determination	
56	44	13-19-311	Allows election administrator to put a ballot in a secrecy envelope (as can be done for absentee ballots); allows for multiple ballots from the same household to be returned in one envelope	
57	45	13-19-312	Adds voted ballot language	

58	46	13-19-313	Allows voter's designated agent; allows signature verification by mail or in person; allows other minor errors to be corrected by a variety of means	
59	47	13-19-314	Makes a questionable ballot a provisional ballot, rather than having it go to counting board and canvassers	
60	48	13-21-203	Clarifies that late registration provision applies to absent military and overseas voters	
61	49	13-21-210	Allows absent military and overseas voters to request permanent absentee ballots	
62	50	13-27-311	Clarifies notice requirements for initiatives vs. referenda, to eliminate an internal inconsistency in this section – adds clarification that newspaper or broadcast notice must be selected for the ability to reach the largest number of voters	Added to conform with SAVA-requested change to 13-2-301
63	51	13-37-226	Clarifies filing deadlines for campaign finance reports for ballot measures	
67	52	20-20-107	Revises payment for school election judges to correspond with election judges under Title 13, at request of school representatives in the HJR 46 work group	Sets the minimum wage as the minimum payment level, similar to Title 13
67	53	New	Requires training for school election judges	
68	54	20-20-203	Eliminates 10-day notification period for school election judges	
69	55	New	Establishes procedures for breaking a tie vote in a school election	Adds language similar to that in 13-16-507, which currently is used to govern tie votes in other elections