

HJR 46: Study of Election Laws Explanation of LC 60 – Mail Ballot Pilot Project

April 2008

The initial draft of LC 60 primarily includes elements approved at the Feb. 22, 2008, meeting of the State Administration and Veterans' Affairs Interim Committee. However, it also contains provisions that recognize concerns raised by county clerks and recorders who indicated an interest in taking part in the pilot project. Issues involving the use of accessible voting machines are more fully discussed in a separate briefing paper entitled "*HJR 46: Study of Election Laws – Use of AutoMARK Machines.*"

The following table summarizes the elements of LC 60 and the policy items to be decided by SAVA before a final bill draft is prepared.

Section/Topic	Initial Draft	Action Items
Section 1. Purpose - Legislative Intent	<ul style="list-style-type: none"> ▶ Incorporates ideas expressed at HJR 46 Work Group and SAVA meetings 	<ul style="list-style-type: none"> ▶ Edit as needed to reflect SAVA sentiments
Section 2. Participating Counties	<ul style="list-style-type: none"> ▶ Drafted to include up to 12 counties 	<ul style="list-style-type: none"> ▶ Select participating counties
Section 3. Elections Affected	<ul style="list-style-type: none"> ▶ Includes 2009 and 2010 	<ul style="list-style-type: none"> ▶ Decide whether to limit to 2010 to address AutoMARK concerns
Section 4. Places of Deposit	<ul style="list-style-type: none"> ▶ Includes (for discussion) a formula for basing the number of places of deposit on the number of registered voters, for federal, state, and county elections only ▶ Limits use of accessible voting machines (AutoMARKs) to federal, state, or county elections ▶ Repeats some provisions put into LC9050 on places of deposit, in case that bill does not pass – accessible place of deposit and staffing by at least two election officials 	<ul style="list-style-type: none"> ▶ Decide whether to use a population-based formula or a minimum number (4) for all counties regardless of population* ▶ Determine whether to require accessible voting machines at all places of deposit for all elections or only for federal and state elections
Section 5. Information collection and reporting	<ul style="list-style-type: none"> ▶ Based on suggestions by HJR 46 Work Group members ▶ Requires annual reporting to Secretary of State's Office and one report to SAVA 	<ul style="list-style-type: none"> ▶ Decide whether to eliminate or add any reporting requirements ▶ Decide whether to collect similar information from a similar number of nonparticipating counties, for purposes of comparison ▶ Decide how often counties must report

* The table in the briefing paper entitled "*List of Interested Counties – Mail Ballot Pilot Project*" indicates how many places of deposit each county would have under the formula currently contained in Section 4 of the bill draft.

Section/Topic	Initial Draft	Action Items
Section 6: Amending 13-19-104	<ul style="list-style-type: none"> ▶ Provides an exception to current law to allow mail ballot elections for federal, state, and county elections in the pilot project counties 	
Section 7. Amending 13-19-303	<ul style="list-style-type: none"> ▶ Amends current law to allow mail ballots to be mailed early to absent military and overseas voters 	<ul style="list-style-type: none"> ▶ This same provision will be added to LC 35, as a general cleanup item
Section 8. Amending 13-19-307	<ul style="list-style-type: none"> ▶ Provides an exception to the required number of places of deposit to allow different requirements for pilot project counties 	
Section 9. Appropriation - Disbursement	<ul style="list-style-type: none"> ▶ The appropriation amount will be included in the next draft, after SAVA decides on the information collection requirements and counties have an opportunity to indicate what their costs would be ▶ The appropriation would be split equally among the counties, because they are all required to collect the same information, regardless of size ▶ A July 1 payment date is provided each year to cover the costs of any programming that may be needed in advance of the general elections 	<ul style="list-style-type: none"> ▶ Decide whether to change any of the appropriation or payment parameters ▶ If Section 5 is changed to included data collection from nonparticipating counties, appropriation would need to reflect those additional costs
Section 10. Effective Date	<ul style="list-style-type: none"> ▶ Immediate effective date gives counties time to plan but also requires them to hold any spring elections by mail 	<ul style="list-style-type: none"> ▶ Decide between an immediate effective date, which could affect spring elections, or a July 1 effective date, which would ensure that all municipal elections are conducted by mail in the fall
Section 11. Termination Date	<ul style="list-style-type: none"> ▶ Terminates the pilot project on Jan. 31, 2011, including the exceptions that were amended into existing law 	<ul style="list-style-type: none"> ▶ Allows for final required report to the Secretary of State in January 2011