

The slide features a dark blue background on the left and a red background on the right. The title "2015 MUNICIPAL ELECTIONS TRAINING" is centered in white text on the blue background. The text "Utah Lieutenant Governor's Office" is written in white on the red background.

# 2015 MUNICIPAL ELECTIONS TRAINING

Utah  
Lieutenant  
Governor's  
Office

The slide has a dark blue header with the title "LT. GOVERNOR'S DUTIES" in white. Below the header is a light blue background containing a bulleted list of duties.

## LT. GOVERNOR'S DUTIES

- Chief Election Officer for the State of Utah
  - General supervisory authority over all elections
  - Direct supervisory authority over the conduct of elections for:
    - Federal
    - State
    - Multi-county offices
    - Statewide or multi-county ballot propositions

## LT. GOVERNOR'S DUTIES

- Prepare election information for the public (Statewide Voter Information Pamphlet)
- Make the information available on the Internet or other means (VOTE.UTAH.GOV)



- Answer election questions

## LT. GOVERNOR'S DUTIES

- Notary Public Commissions
- Document Authentication
- Financial Disclosures
- Annexations
- Lobbyists
- Others:





## VOTER REGISTRATION DEADLINES

- PRIMARY ELECTION
  - Mail-in form: July 13, 2015 (30 days before)
  - In-person or online: August 4, 2015 (7 days before)
- GENERAL ELECTION
  - Mail-in form: October 5, 2015 (30 days before)
  - In-person or online: October 27, 2015 (7 days before)

UCA 20A-2-102.5 & 20A-2-206

## ELECTION DAY REGISTRATION

- Election Day Registration Pilot Project
  - Cities may participate by submitting a letter to Lt. Governor's office that includes:
    - Name of municipality
    - Request to join the pilot project
    - Estimate how it will affect voter turnout
    - Any other reasons the municipality would like to add
- Municipalities must report their findings before October 31

UCA 20A-4-108

## ELECTION DAY REGISTRATION

### ■ Example of a request:

To the Honorable Spencer J. Cox, Lieutenant Governor of the State of Utah:

Please accept this written application to participate in the Election Day Voter Registration Pilot Project as established in Utah Code Ann. 20A-4-108.

This application requests participation in the project for the 2015 primary and general elections that will be conducted within the boundaries of Centerville City and will be administered by my office.

It is an uncertainty as to whether or not this pilot project will increase voter participation, but this illustrates one of the reasons we would request the opportunity to be involved in the project.

Other reasons we desire to participate in the project include:

- Gather information on potential benefits and problems
- Gather information on participation from voters
- Analyze impact on poll workers and administrative staff
- Identify needed administrative procedures
- Provide research data to the Government Operations Interim Committee
- Participate in future discussions for possible permanent implementation

## ELECTION DAY REGISTRATION

- If a voter is qualified to vote but is not registered:
  - Voter fills out a provisional ballot
  - Election officer places the provisional ballots with the absentee ballots to be counted at the canvass

UCA 20A-4-108

## ELECTION DAY REGISTRATION

- Pilot data:

County	Election Day Registrations
Davis	290
Kane	11
Sanpete	4
Salt Lake	815
Weber	101

## DECLARATION OF CANDIDACY

## DECLARATION OF CANDIDACY

- Candidates must declare candidacy during the declaration of candidacy period:

**June 1, 2015 – June 8, 2015 (5pm)**

- June 7, 2015 falls on a Sunday. Utah Code provides that if the last day of a time period falls on a weekend, the time period is extended to the following business day.

UCA 20A-9-203 & 20A-1-401

## OFFICE HOURS - DECLARATION OF CANDIDACY

- If you work 40 hours/week, you must hold office hours of M-F, 8am – 5pm.
- If you work less than 40 hours/week, you must:
  - Post your contact info. on your door, the main door to the municipal offices, and the website (if available).
  - Must be available to serve candidates M-F, 8am – 5pm.

UCA 10-3-301

## DECLARATION OF CANDIDACY

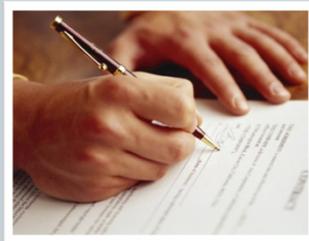
- Candidates must declare in person, EXCEPT:
  - Members of the active armed forces
  - Individuals employed with the state or federal gov't who are out of the state on business during the entire period
- These candidates may:
  - Designate another person to file the declaration form in person
  - Communicate with the filing officer using a device that allows the candidate and the filing officer to see and hear each other (e.g., Skype).

UCA 20A-9-203(4)

## DECLARATION OF CANDIDACY

### ■ NOMINATIONS

- Any resident of a municipality may nominate a candidate by filing a nomination petition.
- The petition must be signed by 25 residents or 20% of residents who are at least 18 years old.



UCA 20A-9-203(2)(b) & 20A-9-203(5)

## DECLARATION OF CANDIDACY

### ■ How do you do it?

1. Read office qualifications to the candidate
  - Candidate states whether they meet the qualifications
2. Inform candidate that their name will appear **EXACTLY** as it is written on the form
3. Provide disclosure requirements and law
4. Provide info on submitting [VOTE.UTAH.GOV](http://VOTE.UTAH.GOV) profile
5. Provide a pledge of fair campaign practices (optional for the candidate)
6. Verify with the county clerk that the candidate is a registered voter

UCA 20A-9-203

## DECLARATION OF CANDIDACY

7. Immediately after the filing period:

- Publish the names of the candidates in at least two successive publications of newspaper with general circulation in the municipality

- Notify the Lt. Governor's office and the County Clerk of the names of the candidates as they will appear on the ballot

UCA 20A-9-203(9)(b)

## NEWSPAPER NOTICE

- What is a newspaper with general circulation?
  - No less than 200 subscribers in the state
  - Published for not less than 18 months
  - Admitted as second-class matter for 12 months for mailing purposes
  - See UCA 45-1-201



UCA 45-1-201

## DECLARATION OF CANDIDACY

- WRITE-IN CANDIDATES
  - Deadline: 60 days before general election (Sep. 4)
  - Write in form: 20A-9-601(1)(b)
  - Ballots do not need a write-in space if no write-in candidate declared

UCA 20A-9-601

## VOTE BY-MAIL & ABSENTEE BALLOTS



## VOTE BY-MAIL ELECTION

- An election officer may administer an election entirely by absentee ballot.
- Mail an absentee ballot to each registered voter along with:
  - Warning & statement that there will be no polling place
  - Courtesy reply mail envelope
  - Instructions for returning the ballot that include deadlines

UCA 20A-3-302

## VOTE BY-MAIL ELECTION

- Voters DO NOT need to request an absentee ballot for a VBM election.
- Obtain the signatures of each voter from the county clerk to verify the returned absentee ballots.

UCA 20A-3-302

## ABSENTEE BALLOTS

- Ballots must be mailed 28 days before an election to everyone that has requested a ballot.
  - Primary: July 14, 2015
  - General: October 6, 2015
- Absentee ballots can be requested up through the Thursday before the election
  - Primary: August 6, 2015
  - General: October 29, 2015

UCA 20A-3-305 &amp; 20A-3-306

## ABSENTEE BALLOTS

- An organization or person that collects absentee ballot applications must file the form:
  - Within 14 days of the person signing the application; OR
  - Thursday before the election (whichever is earlier)
- If a group desires to do a registration drive with pre-filled forms, the forms must be approved and meet the requirements of 20A-3-304(3).

UCA 20A-3-304

## ABSENTEE BALLOTS

- Absentee ballots are counted if they are clearly marked by the post office as received before election day.
- The ballot does not need to be postmarked - just marked in some way.



UCA 20A-3-306

## EMERGENCY ABSENTEE BALLOTS

- Used for a voter hospitalized after the deadline to request a ballot
- Any person may obtain the ballot on behalf of a hospitalized voter at the election officer's office
- The ballot must be returned by the close of polls



UCA 20A-3-306.5

## MILITARY AND OVERSEAS VOTING

- UOCAVA voter = Military member or overseas citizen
- 100 days before an election, prepare a notice with all offices and ballot propositions expected to be on the ballot
- Notice must be provided to any UOCAVA voter upon request
- You can cover both the primary and general election in one notice



## MILITARY AND OVERSEAS VOTING

- UOCAVA voters may request and receive ballots and materials by email or fax
- Ballots must be sent to UOCAVA voters 45 days before an election
  - Primary: June 26, 2015
  - General: September 18, 2015

## MILITARY AND OVERSEAS VOTING

- Requests for absentee ballot can be made until the Thursday before the election
- UOCAVA ballots are valid if:
  - Ballot is received by election officer by the close of polls
  - The UOCAVA voter submitted the ballot by 12:01 a.m. on the day of the election wherever the voter is located and the ballot is received before the canvass

## EARLY VOTING



## EARLY VOTING

- If a municipality is conducting a vote by-mail election, early voting is not required
- Early voting is optional for a municipality of the fifth class or town



UCA 20A-3-605

## EARLY VOTING

- Begins 14 days before the election and continues until the Friday before the election
  - Primary: July 28 – August 7
  - General: October 20 – October 30
- Polls must be open a minimum of 4 days each week and 4 hours of each day
- Polls must be open until 5pm on the last day of the early voting Period
- May hold early voting on weekends and holidays

UCA 20A-3-601

## EARLY VOTING

- Designate 1 or more polling places for early voting provided:
  - At least one polling place is open on each day that the polls are open
  - Each polling place meets code requirements
  - Each polling place is located in a government building or office (unless none meet the scheduling or space requirement)

UCA 20A-3-603

## EARLY VOTING

- Early Voting Notice:
  - Publish a notice at least 5 calendar days before early voting begins.
    - Post the notice at each early voting location.
    - Publish the notice in one issue of a newspaper of general circulation.
      - The newspaper will then post it to the Public Legal Notice Website as required by 45-1-101



UCA 20A-3-604

## ELECTION DAY

## POLL WORKERS

- **Prohibition on appointing candidate's family members**
  - May not appoint any candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.



UCA 20A-5-602

## POLL WORKERS

- 16 or 17 year olds may serve as poll workers or receiving judges.
  - If a 16 or 17 year old serves, then the other two must be registered voters and one must be 21+ years old.

UCA 20A-5-602

## IDENTIFICATION REQUIREMENTS

- What is valid voter ID?
  - A form of identification that contains:
    - Name
    - Photograph
  - Does not need to have current address
  - Examples:
    - Valid Utah Driver's License
    - Valid ID Card issued by the state or an entity of the Federal Government
    - Valid Utah concealed carry permit
    - Valid U.S. passport
    - Valid tribal ID card (does *not* need to include photograph)



## IDENTIFICATION REQUIREMENTS

### Other forms of acceptable ID:

- TWO forms of ID that bear the voter's name and provide evidence that they reside in the voting precinct, *which may include:*
  - Bank statement
  - Birth certificate
  - Social Security card
  - Paycheck
  - U.S. military ID card
  - Tribal treaty card
  - Utility bill
  - Vehicle registration
  - Employer ID card
  - University or college ID card
  - And others...



## ELECTION BALLOT

### 2014-2015 Master Ballot Position List

1. M 2. W 3. A 4. N 5. X 6. H 7. J 8. P 9. L
10. S 11. E 12. Z 13. I 14. K 15. R 16. C 17. F 18. D
19. T 20. U 21. O 22. Y 23. Q 24. G 25. V 26. B

This can also be found on [ELECTIONS.UTAH.GOV](http://ELECTIONS.UTAH.GOV)

## VOTING CENTERS

- Authorizes an election officer to designate one or more polling places as election day voting centers
- Must meet all requirements for a polling place
- Election officer shall notify the Lt. Governor of the designation and location **15 days** before the election
- **Voting Center Ballots**
  - If a location is not the normal polling place for the precinct in which the voter resides, a voting center ballot is used
  - If it is a normal polling place, a regular ballot is used

UCA 20A-3-701, 702, 703, &amp; 704

## CANCELING AN ELECTION

- A municipal legislative body may cancel a local election if:
  - No candidates are opposed
  - There are no ballot propositions
- The municipal legislative body must pass a resolution that cancels the election no later than **20 days** before the scheduled election
  - They cannot pass the resolution until after the 60 day write-in candidate deadline has passed

UCA 20A-1-206

## CHALLENGES TO VOTERS: PRE-ELECTION

- A person may challenge the right to vote of another person:
  - No later than 21 days before early voting begins
  - Person must provide a written statement that includes:
    - Name of the challenged voter
    - Last known address or telephone of challenged voter
    - A reason for the challenge
    - Facts and circumstances supporting the reason
    - Evidence (documents or affidavits)
    - Signed affidavit

UCA 20A-3-202.3

## CHALLENGES TO VOTERS: ELECTION DAY

- A poll worker or a person that lives in the voting precinct may challenge a voter if:
  - The voter and person challenging the voter are both present at the time the challenge is made
- The poll worker will record the challenge in the register and follow the procedure for a provisional ballot.

UCA 20A-3-202.5 &amp; 20A-3-105.5

## POLL WATCHERS

- Poll watchers may:
  - Observe the casting of ballots
  - Observe the counting of ballots
  - Observe the securing of ballot packages
  - Make written memorandums
- Poll watchers may not:
  - Interfere with the process
  - Communicate in any manner the result or any other information about the count (a felony)

## CANVASS & RESULTS



## CANVASS & RESULTS

- **Board of Canvassers**
  - Mayor and municipal legislative body are the board of municipal canvassers
    - Simple majority of the legislative body constitutes a quorum
  - Meets no sooner than 7 days and no later than 14 days after the election
    - Primary: August 18 – August 25
    - General: November 10 – November 17

UCA 20A-4-301

## CANVASS & RESULTS

- **Duties of the Board of Canvassers**
  - Publicly open the returns and determine the votes of each precinct.
- **Declaration of Results**
  - Declare elected those who had the highest number of votes within the board's jurisdiction
  - Declare ballot propositions "approved" or "rejected" that were submitted to voters within the board's jurisdiction



UCA 20A-4-303 & 20A-4-304

## CANVASS & RESULTS

- Prepare a Report of the Results and:
  - Publish the report:
    - In one or more conspicuous places within the jurisdiction
    - In a conspicuous place on the county's website
    - In a newspaper of general circulation
  - File a copy of the report with the Lt. Governor's office

UCA 20A-4-303 &amp; 20A-4-304

## RECOUNT

- A recount may be requested if:
  - The difference cast between winning and losing candidate is 0.25% of the total number of votes cast for all candidates in the race, OR
  - The total number of votes cast in the race is 400 or less and the difference between the winning and losing candidate is 1 vote
- Recount must be requested:
  - Within 3 days of the primary canvass
  - Within 7 days of the municipal election canvass
- Ties decided by lot

UCA 20A-4-401

## SPECIAL ELECTIONS & BALLOT PROPOSITIONS



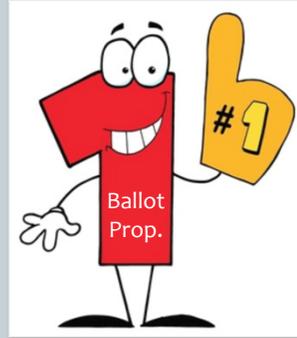
## SCHEDULING SPECIAL ELECTIONS

- A special election for a ballot proposition related to a bond, debt, leeway, levy, or tax can only be held on the November general election.
- Any other special election may be held on:
  - 4<sup>th</sup> Tuesday in June
  - The first Tuesday after the first Monday in November (General Election Day)

UCA 20A-1-204

## NUMBERING BALLOT PROPOSITIONS

- When election officers receive an eligible ballot proposition, the election officer must ask the Lt. Governor to assign the proposition a number.

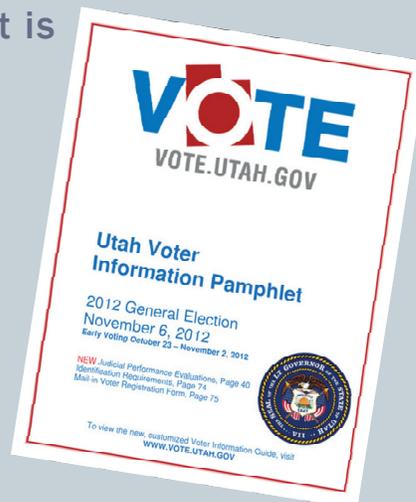


- This does not include bonds.

UCA 20A-6-107 & 11-14-206

## VOTER INFORMATION PAMPHLET

- “The...municipality that is subject of an initiative, referendum, or other ballot proposition shall prepare a local voter information pamphlet.” (20A-7-402)



## VOTER INFORMATION PAMPHLET: ARGUMENTS

- Voters wishing to make an argument must file a request 65 days before the general election (August 31, 2015)
- Priority of arguments:
  - Sponsors
  - Members of local legislative
  - All others
- Arguments may not exceed 500 words
- Arguments must be filed 50 days before election (September 14, 2015)

UCA 20A-7-402

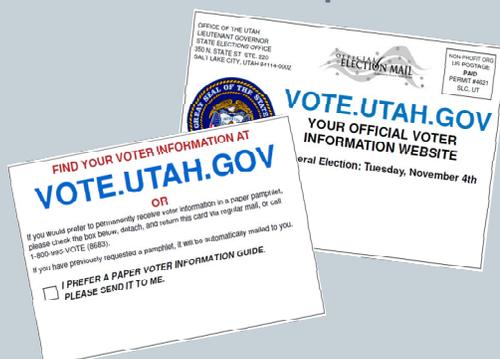
## VOTER INFORMATION PAMPHLET: PREPARATION

- Arguments are printed on same sheet of paper as the measure
- Statement on front cover or first page of the arguments must read:
  - “The arguments for or against the proposed measure(s) are the opinions of the authors.”
- Distribute pamphlet no less than 15 days before the election but not more than 45 days before

UCA 20A-7-402

## VOTER INFORMATION PAMPHLET: DISTRIBUTION

- The local legislative body may print and distribute a postage prepaid return form that allows a voter to request a VIP



UCA 20A-7-402

## POLITICAL ACTIVITIES OF PUBLIC ENTITIES



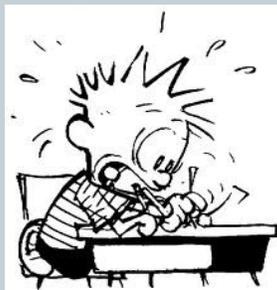
## POLITICAL ACTIVITIES OF PUBLIC ENTITIES

- A public entity cannot:
  - Make an expenditure from public funds for political purposes or to influence a ballot proposition.
- A public entity can:
  - Provide factual information about ballot propositions
  - Analyze the pros and cons of a ballot proposition
  - Provide neutral encouragement to vote

UCA 20A-11-1203

## POLITICAL ACTIVITIES OF PUBLIC ENTITIES

- Craft language carefully so it cannot be construed as either negative or positive



## POLITICAL ACTIVITIES OF PUBLIC ENTITIES

### Example:

- A ballot proposition in Anytown, Utah is going to raise the sales tax rate from 5.00% to 5.30% to pay for a public chocolate fountain in city hall.
  - Neutral language:
    - The sales tax will increase 5.00% to 5.30% to fund a chocolate fountain in Anytown's city hall.
  - Language that may be construed as pro-proposition:
    - The sales tax will increase 5.00% to 5.30% (that's only 3/10<sup>th</sup> of 1%) to fund a chocolate fountain in Anytown's city hall.

## POLITICAL ACTIVITIES OF PUBLIC OFFICIALS

- Public officials can still exercise their First Amendment Rights:
  - They can speak, campaign, and contribute personal money on their own time
- Public officials cannot:
  - Use their public entity email for a political purpose or to advocate for or against a ballot proposition
    - \$250 fine for 1<sup>st</sup> violation
    - \$1,000 fine for subsequent violations

UCA 20A-11-1203 &amp; 20A-11-1205



## FINANCIAL DISCLOSURES

- **Disclosure Filing Deadlines:**
  - **Candidates eliminated at Primary Election:**
    - September 10, 2015 (30 days after primary election)
  - **Candidates not eliminated Primary Election:**
    - October 27, 2015 (7 days before general election)
      - Candidates are removed from the ballot if this report is late
    - December 3, 2015 (30 days after general election)

UCA 10-3-208

## FINANCIAL DISCLOSURES

### ■ Campaign Finance Statements:

- If candidate receives or spends \$500 or less:
  - Report the total amount of all contributions and expenditures
- If candidate receives or spends \$500 or more:
  - Report all itemized:
    - Contributions, including amount and donor
    - Aggregate total of all contributions that do not exceed \$50
    - Expenditures, including amount and recipient

UCA 10-3-208

## FINANCIAL DISCLOSURES

### ■ Personal Use Expenditure Prohibited

- Candidates may not make a personal use expenditure with campaign money. Personal use includes:
  - Mortgage
  - Car payment
  - Vacation
  - Meal expense
  - Travel expense
  - Clothing (except campaign t-shirts)

### ■ Anonymous Donations

- If a candidate receives an anonymous cash donation that is over \$50, the candidate must give the money to:
  - State or political subdivision to deposit the money into the general fund
  - 501(c)(3) organization

UCA 10-3-208

# FINANCIAL DISCLOSURES

- A municipality may, by ordinance, adopt more stringent definitions and financial disclosure requirements.

UCA 10-3-208

# FINANCIAL DISCLOSURES: CLERK DUTIES

- Municipal Clerk Duties:
  - Notify candidate of financial disclosure deadlines, penalties, and statutes in writing:
    - When candidates declare candidacy
    - 14 days before the municipal election

**2014**  
**Office of the Lieutenant Governor**  
Candidate Information Pamphlet  
Legislative Office Candidates

**Pamphlet Content:**  
State of Utah Electronic Voter Information Website Information Form  
2014-7-801 Remote Electronic Voter Information Website Program - Dates of lieutenant governor - Content - Dates of local election officials - Deadlines - Frequently asked voter questions - Other elections

**Campaign Finance Laws - Current as of March 12, 2014**  
There have been several changes to campaign finance laws during the 2014 legislative session. The Lieutenant Governor's Office will notify each candidate of the new requirements as they are signed into law and become effective.

**2014-11-010 Definitions**  
2014-11-010 Notice of pending interim and summary reports - Form of submission - Public availability - Notice of oral filing  
2014-11-010 Personal use expenditure - Authorized and prohibited uses of campaign funds - Enforcement - Penalties  
2014-11-011 Legislative office candidate - Campaign finance requirements - Candidate in a political action committee office - No personal use - Report contributions within 30 days - Report other accounts  
2014-11-012 Legislative office candidate - Financial reporting requirements - Year-end summary report  
2014-11-013 Legislative office candidate - Financial reporting requirements - Interim reports  
2014-11-014 Legislative office candidate - Financial reporting requirements - Termination of duty to report  
2014-11-015 Legislative office candidate - Failure to file report - Penalties  
2014-11-016 Failure to file a financial statement

**Summary of Financial Disclosure Deadlines (applicable to all candidates, even if unopposed)\***

- All contributions must be reported within 30 days after the contribution is received
- 7 days before the political committee for which the office is announced
- 7 days before the regular primary election date - June 17, 2014\*\*
- September 2, 2014\*\*
- 7 days before the regular general election date - October 28, 2014\*\*
- January 12, 2015 (year-end)\*\*

All reports must be submitted by 5:00 p.m. on the due date  
All financial disclosures must be filed electronically online at [www.disclosures.utah.gov](http://www.disclosures.utah.gov)  
To obtain a user ID, and password contact the Lieutenant Governor's Staff Office

\*Campaign Finance Deadlines are subject to change by the Legislature  
\*\*Failure to comply with financial disclosure will result in disqualification, possible fines, and/or criminal penalties

Utah State Capitol, Suite 220  
300 S. State Street  
P.O. Box 142117  
Salt Lake City, UT 84142

Tel: (801)241-0404  
Email: [disclosures@utah.gov](mailto:disclosures@utah.gov)

UCA 10-3-208

## FINANCIAL DISCLOSURES: CLERK DUTIES

- Make filed disclosure statements available for public inspection and copying one business day after filing by:
  - Posting a copy on your website no later than 7 business days
  - Provide the link to the website to the Lt. Governor no later than 2 business days, OR
  - Submit a copy of the statement to the Lt. Governor for posting (disclosure@utah.gov)

## FINANCIAL DISCLOSURES: PICS, PACS, & CORPS

- PICs (Political Issue Committees) & PACs (Political Action Committees) must report expenditures to the Lt. Governor's office:
  - State Candidates
  - County Candidates
  - Ballot Issues
  - Municipal Candidates
- All PIC and PAC filings are made at [DISCLOSURES.UTAH.GOV](http://DISCLOSURES.UTAH.GOV)

## PHOTOGRAPHS OF BALLOTS

- Prohibits a person from taking a picture of a ballot, other than their own, at a polling place
- Allows an individual to take, share, or publish a photograph of their own ballot (i.e., ballot selfies)



UCA 20A-3-504

## CAMPAIGN SIGNS

- **Unlawful Removal or Vandalism of Campaign Signs**
  - The removal, altering, defacing, or vandalizing of political signs is prohibited. Punishment is a Class B misdemeanor.
  - Candidates and their agents, people who placed the sign, property owners, and a public officer who moves the sign in accordance of their duties are exempt.
- **Posting Signs on Public Property**
  - If a local government entity allows one person to post a political sign on public property, they must allow others to post political signs as well.
  - Local governments that do not allow political signs on public property are unaffected.

UCA 20A-17-102 &amp; 20A-17-103

## CAMPAIGNING NEAR A POLLING LOCATION

- No one can campaign or electioneer within 150 ft. of a polling location
  - Within 150 ft. of the building
  - Only applies to public property



UCA 20A-3-501

## QUESTIONS?

Office #: 801-538-1041

Elections Email: [elections@utah.gov](mailto:elections@utah.gov)

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