

PROPOSED
SENATE AMENDMENTS TO H.C.R. 2032
(Reference to House engrossed resolution)

1 Page 1, strike lines 16 through 45

2 Strike pages 2 through 4

3 Page 5, strike lines 1 through 30, insert:

4 "A. The board of supervisors of each county, on or before October 1
5 of each year preceding the year of a general election, by an order, shall
6 establish a convenient number of election precincts in the county and
7 define the boundaries of the precincts as follows:

8 1. The election precinct boundaries shall be established so as to be
9 included within election districts prescribed by law for elected officers
10 of the state and its political subdivisions, including community college
11 district precincts, except those elected officers provided for in titles 30
12 and 48. AT THE TIME ELECTION PRECINCTS ARE DESIGNATED, AN ELECTION
13 PRECINCT MAY NOT CONTAIN MORE THAN ONE THOUSAND REGISTERED VOTERS.

14 2. If after October 1 of the year preceding the year of a general
15 election the board of supervisors must further adjust precinct boundaries
16 due to the redistricting of election districts as prescribed by law and to
17 comply with this subsection, the board of supervisors shall adjust these
18 precinct boundaries as soon as is practicable.

19 B. At least twenty days before a general or primary election, and at
20 least ten days before a special election, the board shall designate one
21 polling place within each precinct where the election shall be held, except
22 that:

23 1. On a specific finding of the board, included in the order or
24 resolution designating polling places pursuant to this subsection, that no

1 suitable polling place is available within a precinct, a polling place for
2 that precinct may be designated within an adjacent precinct.

3 2. Adjacent precincts may be combined if boundaries so established
4 are included in election districts prescribed by law for state elected
5 officials and political subdivisions including community college districts
6 but not including elected officials prescribed by titles 30 and 48. The
7 officer in charge of elections may also split a precinct for administrative
8 purposes. The polling places shall be listed in separate sections of the
9 order or resolution.

10 3. On a specific finding of the board that the number of persons who
11 are listed as early voters pursuant to section 16-544 and who are not
12 expected to have their ballots tabulated at the polling place as prescribed
13 in section 16-579.02 is likely to substantially reduce the number of voters
14 appearing at one or more specific polling places at that election, adjacent
15 precincts may be consolidated by combining polling places and precinct
16 boards for that election. The board of supervisors shall ensure that a
17 reasonable and adequate number of polling places will be designated for
18 that election. Any consolidated polling places shall be listed in separate
19 sections of the order or resolution of the board.

20 4. ~~On a specific resolution of the board,~~ The board OF SUPERVISORS
21 may NOT authorize the use of voting centers in place of or in addition to
22 specifically designated polling places. ~~A voting center shall allow any~~
23 ~~voter in that county to receive the appropriate ballot for that voter on~~
24 ~~election day after presenting identification as prescribed in section~~
25 ~~16-579 and to lawfully cast the ballot. Voting centers may be established~~
26 ~~in coordination and consultation with the county recorder, at other county~~
27 ~~offices or at other locations in the county deemed appropriate.~~

28 5. ~~On a specific resolution of the board of supervisors that is~~
29 ~~limited to a specific election date and that is voted on by a recorded~~
30 ~~vote, the board may authorize the county recorder or other officer in~~
31 ~~charge of elections to use emergency voting centers as follows:~~

1 ~~(a) The board shall specify in the resolution the location and the~~
2 ~~hours of operation of the emergency voting centers.~~

3 ~~(b) A qualified elector voting at an emergency voting center shall~~
4 ~~provide identification as prescribed in section 16-579, except that~~
5 ~~notwithstanding section 16-579, subsection A, paragraph 2, for any voting~~
6 ~~at an emergency voting center, the county recorder or other officer in~~
7 ~~charge of elections may allow a qualified elector to update the elector's~~
8 ~~voter registration information as provided for in the secretary of state's~~
9 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

10 ~~(c) If an emergency voting center established pursuant to this~~
11 ~~section becomes unavailable and there is not sufficient time for the board~~
12 ~~of supervisors to convene to approve an alternate location for that~~
13 ~~emergency voting center, the county recorder or other officer in charge of~~
14 ~~elections may make changes to the approved emergency voting center location~~
15 ~~and shall notify the public and the board of supervisors regarding that~~
16 ~~change as soon as practicable. The alternate emergency voting center shall~~
17 ~~be as close in proximity to the approved emergency voting center location~~
18 ~~as possible.~~

19 C. If the board fails to designate the place for holding the
20 election, or if it cannot be held at or about the place designated, the
21 justice of the peace in the precinct, two days before the election, by an
22 order, copies of which the justice of the peace shall immediately post in
23 three public places in the precinct, shall designate the place within the
24 precinct for holding the election. If there is no justice of the peace in
25 the precinct, or if the justice of the peace fails to do so, the election
26 board of the precinct shall designate and give notice of the place within
27 the precinct of holding the election. For any election in which there are
28 no candidates for elected office appearing on the ballot, the board may
29 consolidate polling places and precinct boards and may consolidate the
30 tabulation of results for that election if all of the following apply:

31 1. All affected voters are notified by mail of the change at least
32 thirty-three days before the election.

1 2. Notice of the change in polling places includes notice of the new
2 voting location, notice of the hours for voting on election day and notice
3 of the telephone number to call for voter assistance.

4 3. All affected voters receive information on early voting that
5 includes the application used to request an early voting ballot.

6 D. The board is not required to designate a polling place for
7 special district mail ballot elections held pursuant to article 8.1 of this
8 chapter, but the board may designate one or more sites for voters to
9 deposit marked ballots until 7:00 p.m. on the day of the election.

10 E. Except as provided in subsection F of this section, a public
11 school shall provide sufficient space for use as a polling place for any
12 city, county or state election when requested by the officer in charge of
13 elections.

14 F. The principal of the school may deny a request to provide space
15 for use as a polling place for any city, county or state election if,
16 within two weeks after a request has been made, the principal provides a
17 written statement indicating a reason the election cannot be held in the
18 school, including any of the following:

- 19 1. Space is not available at the school.
20 2. The safety or welfare of the children would be jeopardized.

21 G. Beginning in 2026, the department of administration shall
22 coordinate with state agencies and counties to provide available and
23 appropriate state-owned facilities for use as a voting location for any
24 city, county or state election when requested by the officer in charge of
25 elections.

26 H. The board shall make available to the public as a public record a
27 list of the polling places for all precincts in which the election is to be
28 held.

29 I. Except in the case of an emergency, any facility that is used as
30 a polling place on election day ~~or that is used as an early voting site~~
31 ~~during the period of early voting~~ shall allow persons to electioneer and
32 engage in other political activity outside of the seventy-five foot limit

1 prescribed by section 16-515 in public areas and parking lots used by
2 voters. This subsection does not allow the temporary or permanent
3 construction of structures in public areas and parking lots or the blocking
4 or other impairment of access to parking spaces for voters. The county
5 recorder or other officer in charge of elections shall post on its website
6 at least two weeks before election day a list of those polling places in
7 which emergency conditions prevent electioneering and shall specify the
8 reason the emergency designation was granted and the number of attempts
9 that were made to find a polling place before granting an emergency
10 designation. If the polling place is not on the website list of polling
11 places with emergency designations, electioneering and other political
12 activity shall be allowed outside of the seventy-five foot limit. If an
13 emergency arises after the county recorder or other officer in charge of
14 elections' initial website posting, the county recorder or other officer in
15 charge of elections shall update the website as soon as is practicable to
16 include any new polling places, shall highlight the polling place location
17 on the website and shall specify the reason the emergency designation was
18 granted and the number of attempts that were made to find a polling place
19 before granting an emergency designation.

20 J. For the purposes of this section, a county recorder or other
21 officer in charge of elections shall designate a polling place as an
22 emergency polling place and thus prohibit persons from electioneering and
23 engaging in other political activity outside of the seventy-five foot limit
24 prescribed by section 16-515 but inside the property of the facility that
25 is hosting the polling place if any of the following occurs:

- 26 1. An act of God renders a previously set polling place as unusable.
- 27 2. A county recorder or other officer in charge of elections has
28 exhausted all options and there are no suitable facilities in a precinct
29 that are willing to be a polling place unless a facility can be given an
30 emergency designation.

31 K. The secretary of state shall provide through the instructions and
32 procedures manual adopted pursuant to section 16-452 the maximum allowable

1 wait time for any election that is subject to section 16-204 and provide
2 for a method to reduce voter wait time at the polls in the primary and
3 general elections. The method shall consider at least all of the following
4 for primary and general elections in each precinct:

5 1. The number of ballots voted in the prior primary and general
6 elections.

7 2. The number of registered voters who voted early in the prior
8 primary and general elections.

9 3. The number of registered voters and the number of registered
10 voters who cast an early ballot for the current primary or general
11 election.

12 4. The number of registered voters whose early ballots were
13 tabulated on-site as prescribed in section 16-579.02 in the prior primary
14 and general elections.

15 5. The number of election board members and clerks and the number of
16 rosters that will reduce voter wait time at the polls."

17 Page 8, strike lines 9 through 45

18 Strike pages 9 through 11

19 Page 12, strike lines 1 through 5, insert:

20 "A. Within ninety-three days before any election called pursuant to
21 the laws of this state, an elector may make a verbal or signed request to
22 the county recorder, or other officer in charge of elections for the
23 applicable political subdivision of this state in whose jurisdiction the
24 elector is registered to vote, for an official early ballot. In addition
25 to name and address, the requesting elector shall provide the date of birth
26 and state or country of birth or other information that if compared to the
27 voter registration information on file would confirm the identity of the
28 elector. If the request indicates that the elector needs a primary
29 election ballot and a general election ballot, the county recorder or other
30 officer in charge of elections shall honor the request. For any partisan
31 primary election, if the elector is not registered as a member of a
32 political party that is entitled to continued representation on the ballot

1 pursuant to section 16-804, the elector shall designate the ballot of only
2 one of the political parties that is entitled to continued representation
3 on the ballot and the elector may receive and vote the ballot of only that
4 one political party, which also shall include any nonpartisan offices and
5 ballot questions, or the elector shall designate the ballot for nonpartisan
6 offices and ballot questions only and the elector may receive and vote the
7 ballot that contains only nonpartisan offices and ballot questions. The
8 county recorder or other officer in charge of elections shall process any
9 request for an early ballot for a municipal election pursuant to this
10 subsection. ~~The county recorder may establish on-site early voting~~
11 ~~locations at the recorder's office, which shall be open and available for~~
12 ~~use beginning the same day that a county begins to send out the early~~
13 ~~ballots. The county recorder may also establish any other early voting~~
14 ~~locations in the county the recorder deems necessary. Any on-site early~~
15 ~~voting location or other early voting location shall require each elector~~
16 ~~to present identification as prescribed in section 16-579 before receiving~~
17 ~~a ballot. Notwithstanding section 16-579, subsection A, paragraph 2, at~~
18 ~~any on-site early voting location or other early voting location the county~~
19 ~~recorder or other officer in charge of elections may provide for a~~
20 ~~qualified elector to update the elector's voter registration information as~~
21 ~~provided for in the secretary of state's instructions and procedures manual~~
22 ~~adopted pursuant to section 16-452.~~

23 B. Notwithstanding subsection A of this section, a request for an
24 official early ballot from an absent uniformed services voter or overseas
25 voter as defined in the uniformed and overseas citizens absentee voting act
26 (P.L. 99-410; 52 United States Code section 20310) or a voter whose
27 information is protected pursuant to section 16-153 that is received by the
28 county recorder or other officer in charge of elections more than
29 ninety-three days before the election is valid. If requested by the absent
30 uniformed services or overseas voter, or a voter whose information is
31 protected pursuant to section 16-153, the county recorder or other officer
32 in charge of elections shall provide to the requesting voter early ballot

1 materials through the next regularly scheduled general election for federal
2 office immediately following receipt of the request unless a different
3 period of time, which does not exceed the next two regularly scheduled
4 general elections for federal office, is designated by the voter.

5 C. The county recorder or other officer in charge of elections shall
6 mail the early ballot and the envelope for its return postage prepaid to
7 the address provided by the requesting elector within five days after
8 receipt of the official early ballots from the officer charged by law with
9 the duty of preparing ballots pursuant to section 16-545, except that early
10 ballot distribution shall not begin more than twenty-seven days before the
11 election. If an early ballot request is received on or before the
12 thirty-first day before the election, the early ballot shall be distributed
13 not earlier than the twenty-seventh day before the election and not later
14 than the twenty-fourth day before the election.

15 D. Only the elector may be in possession of that elector's unvoted
16 early ballot. If a complete and correct request is made by the elector
17 within twenty-seven days before the election, the mailing must be made
18 within forty-eight hours after receipt of the request. Saturdays, Sundays
19 and other legal holidays are excluded from the computation of the
20 forty-eight-hour period prescribed by this subsection. If a complete and
21 correct request is made by an absent uniformed services voter or an
22 overseas voter before the election, the regular early ballot shall be
23 transmitted by mail, by fax or by other electronic format approved by the
24 secretary of state within twenty-four hours after the early ballots are
25 delivered pursuant to section 16-545, subsection B, excluding Sundays.

26 E. In order to be complete and correct and to receive an early
27 ballot by mail, an elector's request that an early ballot be mailed to the
28 elector's residence or temporary address must include all of the
29 information prescribed by subsection A of this section and must be received
30 by the county recorder or other officer in charge of elections not later
31 than 5:00 p.m. on the eleventh day preceding the election. ~~An elector who~~
32 ~~appears personally not later than 7:00 p.m. on the Friday preceding the~~

1 ~~election at an on-site early voting location that is established by the~~
2 ~~county recorder or other officer in charge of elections shall be given a~~
3 ~~ballot after presenting identification as prescribed in section 16-579 and~~
4 ~~shall be allowed to vote at the on-site location. Notwithstanding section~~
5 ~~16-579, subsection A, paragraph 2, at any on-site early voting location the~~
6 ~~county recorder or other officer in charge of elections may provide for a~~
7 ~~qualified elector to update the elector's voter registration information as~~
8 ~~provided for in the secretary of state's instructions and procedures manual~~
9 ~~adopted pursuant to section 16-452.~~ If an elector's request to receive an
10 early ballot is not complete and correct but complies with all other
11 requirements of this section, the county recorder or other officer in
12 charge of elections shall attempt to notify the elector of the deficiency
13 of the request.

14 F. Unless an elector specifies that the address to which an early
15 ballot is to be sent is a temporary address, the recorder may use the
16 information from an early ballot request form to update voter registration
17 records.

18 G. The county recorder or other officer in charge of early balloting
19 shall provide an alphabetized list of all voters in the precinct who have
20 requested and have been sent an early ballot to the election board of the
21 precinct in which the voter is registered not later than the day before the
22 election.

23 H. As a result of experiencing an emergency between 7:00 p.m. on the
24 Friday preceding the election and 5:00 p.m. on the Monday preceding the
25 election, qualified electors may request to vote in the manner prescribed
26 by the board of supervisors of their respective county. Before voting
27 pursuant to this subsection, an elector who experiences an emergency shall
28 provide identification as prescribed in section 16-579 and shall sign a
29 statement under penalty of perjury that states that the person is
30 experiencing or experienced an emergency after 7:00 p.m. on the Friday
31 immediately preceding the election and before 5:00 p.m. on the Monday
32 immediately preceding the election that would prevent the person from

1 voting at the polls. Signed statements received pursuant to this
2 subsection are not subject to inspection pursuant to title 39, chapter 1,
3 article 2. For the purposes of this subsection, "emergency" means any
4 unforeseen circumstances that would prevent the elector from voting at the
5 polls.

6 I. Notwithstanding section 16-579, subsection A, paragraph 2, for
7 any voting pursuant to subsection H of this section, the county recorder or
8 other officer in charge of elections may allow a qualified elector to
9 update the elector's voter registration information as provided for in the
10 secretary of state's instructions and procedures manual adopted pursuant to
11 section 16-452.

12 J. A candidate, political committee or other organization may
13 distribute early ballot request forms to voters. If the early ballot
14 request forms include a printed address for return, the addressee shall be
15 the political subdivision that will conduct the election. Failure to use
16 the political subdivision as the return addressee is punishable by a civil
17 penalty of up to three times the cost of the production and distribution of
18 the request.

19 K. All original and completed early ballot request forms that are
20 received by a candidate, political committee or other organization shall be
21 submitted within six business days after receipt by a candidate, political
22 committee or other organization or eleven days before the election day,
23 whichever is earlier, to the political subdivision that will conduct the
24 election. Any person, political committee or other organization that fails
25 to submit a completed early ballot request form within the prescribed time
26 is subject to a civil penalty of up to \$25 per day for each completed form
27 withheld from submittal. Any person who knowingly fails to submit a
28 completed early ballot request form before the submission deadline for the
29 election immediately following the completion of the form is guilty of a
30 class 6 felony.

31 L. Except for a voter who is on the active early voting list
32 prescribed by section 16-544, a voter who requests a onetime early ballot

1 pursuant to this section or for an election conducted pursuant to section
2 16-409 or article 8.1 of this chapter, a county recorder, city or town
3 clerk or other election officer may not deliver or mail an early ballot to
4 a person who has not requested an early ballot for that election. An
5 election officer who knowingly violates this subsection is guilty of a
6 class 5 felony."
7 Amend title to conform

WENDY ROGERS

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