

Utah State Plan on Election Reform

Amended on September 25, 2003

Introduction

On October 29, 2002, President Bush signed the Help America Vote Act (HAVA) into law. Under this Act, each state is required to submit a State Plan which will be the guiding document for all changes to the elections process over the next several years.

Under the direction of Lt. Governor Olene S. Walker, the Utah State Plan Committee on Election Reform held its first meeting on November 8, 2002. Through many subsequent meetings with this committee and other groups, Utah has completed its initial state planning process.

It is anticipated that this document will be revised several times as the State works toward improving elections. Most of the items included in the plan are based on the assumption that the Help America Vote Act will be fully funded by Congress over the next 3 years.

Authority

This plan is prepared under the authority of 42 USC 15404.

Utah—A Brief Overview of our Current Practices and Procedures

A. Voting Equipment

Utah is primarily a punch card state. Twenty-three of Utah's twenty-nine counties use the punch card, two counties use optical scan and four counties use paper ballots. The greatest portion of our time and money will be spent replacing the punch cards and training elections officials and voters on new equipment. It is our goal to have greater uniformity in our state and to ensure that all individuals have access to the election process.

B. Statewide Database

In addition to the purchase of new equipment, Utah is working to ensure that our statewide database is a single, centralized database. Our in-house IT staff is currently developing this database with the assistance of several county clerks and their IT departments. The state will have the responsibility of training the county clerks on the new system.

C. HAVA Compliance

During the 2003 Legislative Session HB 102, HB 103, SB 55 and SB 68 were passed as part of the HAVA compliance package requested by Lt. Governor Walker. Utah is now in compliance with the voter ID and provisional ballot requirements of HAVA.

D. Voter Outreach

Voter outreach has been a top priority in the State and will continue to be. Utah is especially committed to ensuring the participation of young people in the election process.

Four years ago, Lt. Governor Walker established the College Council on Civic Awareness, which is made up of representatives from all the college campuses in Utah. Each council member has an organization on his or her own college campus that plans voter outreach and voter registration activities. The mission of this group will be expanded to include encouraging college students to serve as poll workers and assisting voters and election judges in learning new technology.

In order to educate young people about the importance of voting, Utah is actively involved in the Student/Parent Mock Election. Also, all young adults receive a combination birthday card/voter registration form on their eighteenth birthday.

The Lt. Governor's Office also partners with a local cable company and community leaders to produce public service announcements that encourage voting. We have also partnered with local grocery stores and other community groups to "get the word out." We plan to continue these partnerships in reaching out to voters and educating them on the many changes that will occur in the elections process.

Utah publishes a Voter Information Pamphlet, which contains valuable information about candidates, ballot issues, voter registration and what to expect at the polling place. It is currently inserted into every newspaper in the State. It is our goal to ensure that this Pamphlet is mailed to every household in the State. The Pamphlet is also accessible to persons who are blind or visually impaired as it is made available in Braille and on audiotape.

E. Legislative Changes

Lt. Governor Walker and the county clerks are working with the Utah Legislature to implement early voting. After several discussions, the county clerks and the State Plan Committee determined that because voting equipment is only used twice each year, early voting would allow us to administer the election without purchasing excess equipment.

Timeline

Date (Approximate)	Action
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October 29, 2002	HAVA signed into law.
November 8, 2002	Lt. Governor Walker convenes the first meeting of the State Plan Committee.
November 13, 2002	Lt. Governor Walker presents an outline of goals under the new federal law to the Utah County Clerks Association.
November 20, 2002	Lt. Governor Walker presents an outline of goals under the new federal law to the Utah Legislature=s Government Operations Interim Committee.
February 7, 2003	Lt. Governor Walker presents an outline of the goals to the Utah county commissioners.
April 1, 2003	Final meeting of State Plan Committee.
April 17, 2003	Lt. Governor Walker presents the State Plan to the county clerks and county commissioners.
April 24, 2003	Utah opts in on Title I money, including punch card buyout funds.
April 28, 2003	Lt. Governor Walker releases State Plan for public comment.
May-June 2003	Public hearings.
To be determined when Commission is formed	Submit State Plan to Election Assistance Commission (Federal) and State Administrative Rules.
January 2004	Award contract for voting equipment.
June 2004	Implement equipment in a few select precincts.
January 2005	Begin conversion from punch card (statewide).
January 2006	Complete statewide database conversion.
November 2006	Complete voting equipment conversion.

Required Descriptions

Sec. 254. State Plan.

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections

A. Utah will “opt in” on the punch card buyout. All punch card machines will be replaced with a Direct Recording Electronic (DRE) voting system by 2006, assuming the State receives full funding from the federal government. The State will select the DRE voting system through the State Request for Proposal (RFP) process. The DRE system will meet the requirements of title III of HAVA. One unit per polling place will include an audio component for voters who are blind or visually impaired.

It is anticipated that the State will first purchase one piece of DRE equipment for every polling place in the State to comply with Title III of HAVA. With adequate funding and a decision made on the type of equipment the State will purchase, this implementation may begin as early as June 2004. If full funding is received, the punch card replacement will continue through 2005 until all are replaced by November of 2006. The State will be responsible for working with the counties to implement and maintain the equipment.

B. The Lt. Governor’s Office is currently working with the county clerks on defining a vote as required by HAVA. A bill will be presented in the 2004 general session of the legislature.

C. Utah’s provisional ballot procedure complies with federal law. Beginning in 2004, counties will either provide a toll-free number or website where voters can find out if their ballot was counted.

D. The new materials required by HAVA to be displayed in the polling places will be in place for the June 2004 primary election. The State, in cooperation with the county clerks, will design the materials to ensure uniformity. The new materials will include information on obtaining a provisional ballot, a voter’s bill of rights, information regarding voter fraud and other general voting instructions.

E. Utah’s statewide voter database will be modified to be a single, centralized database. It will be developed by the Lt. Governor’s Office in coordination with county clerks. All counties will be on-line by 2006.

F. Utah complies with the HAVA requirements for the additional wording on voter registration forms. Utah law now requires first-time voters in a jurisdiction to present identification at the time of registration or at the polls on election day. These requirements were put into law during the 2003 legislative session.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—(A) the criteria to be used to determine the eligibility of such units or entities for receiving payment; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

A. The State Plan Committee will meet twice each calendar year to review all payments made out of the fund.

B. A county may request monies from the fund only for the purpose of purchasing new equipment when the number of registered voters increases. Requests must be made in writing to the Lt. Governor and approved by the State Plan Committee. The State Plan Committee will oversee all payments made from the fund.

C. Counties must do the following in order to receive equipment purchased by the State:

1. Ensure the physical accessibility of polling places based on the survey provided by the Lt. Governor's Office or a comparable survey.
2. Comply with title III of the Help America Vote Act.
3. Appropriate at least the same amount of funding based on their budget during the 2000 general election year for each subsequent general election year. This requirement is in place until all federal monies in the election fund are spent.
4. Commit to maintenance of voter registration lists and cooperate with the State in establishing a shared voter registration database.
5. Develop a county plan in coordination with the State Plan by September 1, 2003. The Lt. Governor's Office will provide written guidelines on the items that must be included in the county plan.
6. Enter into a contract with the State before voting equipment is delivered. The contract will allow the counties to own the voting equipment and require them to provide storage, proper maintenance and security.
7. Establish a free access system (toll-free number or website) that an individual who casts a provisional ballot may access to find out whether the absentee ballot was counted and if not, the reason it was not counted.
8. Comply with the complaint procedures outlined by the State, which includes informing the citizens of the process.

9. Post the new required information at the polling place that is provided by the State in accordance with Utah Code 20A-5-102.

10. Comply with the fiscal responsibilities under the proposed budget in *Section 6* of this plan.

D. Counties must meet deadlines established by HAVA and this plan for the replacement of punch cards or return monies for precincts where the machines are not replaced.

(3) How the State will provided for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

The Lt. Governor's Office is responsible for further definition of these recommendations. It is anticipated that the Lt. Governor's Office will hire a full-time project manager to oversee voter education and training and that a more specific plan will be developed at a later time.

- A. The State will use the Lt. Governor's College Council on Civic Awareness to recruit trainers and poll workers. Utah will seek grants to train college students on the new voting equipment so that they, in turn, can train poll workers and voters.
- B. The State will work with the advocates for persons with disabilities to devise an outreach and education program to train these voters on the new equipment. The Division of Services for the Blind and Visually Impaired has volunteered to coordinate this training.
- B. The State, in cooperation with the county clerks, will design a uniform and standardized training for all judges by the 2006 election. All judges will be required to attend training, except in cases of emergency.
- C. Legislation will be introduced to make pay for election judges uniform statewide.
- D. Legislation will be introduced to allow 17-year-olds to work at polling places. We will work with Office of Education to help students get credit for working at polls.
- E. Legislation will be introduced to fund the mailing of the Voter Information Pamphlet to every household.
- F. The State, in conjunction with a college and/or university, will design a certification program for county clerks, their staffs and others.
- G. The new machines will be demonstrated in malls and other public places. The State and counties will also contact businesses, service organizations, church groups, civic groups and others to demonstrate the new voting equipment.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

The State Plan Committee will ensure that the voting system selected and purchased by the State of Utah is compliant with title III of HAVA.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

The Lt. Governor's Office has established a fund to receive federal money. All disbursements from the fund will need two out of three of the following signatures: Lt. Governor, Director of Elections and/or Office of Planning and Budget representative.

(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—(A) the costs of the activities required to be carried out to meet the requirements of title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities.

The proposed budget assumes that Utah will receive 28 million dollars if HAVA is fully funded and we are able to fund a 5% match. Currently the State has \$140,000 set aside

towards the 5% match. The additional match will come from county contributions to the fund, which will total approximately 1.2 million dollars under the proposed budget.

Budget information is likely to change periodically. Revisions will be on file in the Utah State Elections Office. It is anticipated that no funds will be spent during Fiscal Year 2003.

Amount (in dollars)	Purpose (Over a ten year period)
3 million	Rotating fund for the purchase of additional equipment as numbers of registered voters increase
1 million	Maintenance of equipment, technical support, 1 full-time employee, programming of equipment
1.5 million	Mailing of Voter Pamphlet to every household
.5 million	Training of elections officials and judges
20.5 million*	New electronic voting equipment (punch card replacement) <ul style="list-style-type: none"> ➤ 1st machine—Purchased by the State out of the Election Fund. ➤ 2nd machine—Counties contribute \$170, remainder paid by the State from the Fund. ➤ 3rd machine—Counties contribute \$170, remainder paid by the State from the Fund (only 4/5 of the precincts are eligible for the 3rd machine.) ➤ 4th machine—Counties contribute \$170, remainder paid by the State from the Fund (only 3/4 of the precincts are eligible for the 4th machine.) ➤ 5th machine—Counties contribute \$170, remainder paid by the State from the Fund (only 3/4 of the precincts are eligible for the 5th machine.) ➤ Additional machines—purchased by the counties at a price negotiated by the State with the vendor.
1 million	Statewide database, maintenance, 1 full-time employee
.5 million	Voter outreach and education, signs, PSA's
28 million	Total if fully funded

* Estimate. A detailed breakdown of county cost is on file in the State Elections Office.

(7) *How the State, in using the requirements payment, will maintain expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.*

Item	Amount
25% of Voter Registration Coordinator=s salary	\$6,000
25% of Voter Outreach Coordinator=s salary	\$6,000
Voter Registration Forms	\$14,630
Mailings	\$2,283
Other Office Expenses (phone, etc.)	\$1750
Voter Information Pamphlet	\$305,370

Total Maintenance Of Effort	\$336,033
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The documentation on how the State arrived at this maintenance of effort is on file with the State Elections Office.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is held responsible for ensuring that each performance goal is met.

A. Provisional ballot (Target date 2004)

- Number of complaints from voters turned away from the polls before and after the implementation of the provisional ballot.
Responsibility: county clerks
- Track the number of provisional ballots issued and the number counted.
Responsibility: county clerks

- B. Statewide Database (Target date 2005)
 - Accuracy of the Statewide database: complete voter history, number of duplicates, NVRA mailings sent and number of responses received.
Responsibility: Lt. Governor's Office, county clerks
- C. Polling Places (Target date 2004)
 - Number of inaccessible polling places and the number corrected.
Responsibility: county clerks, Lt. Governor's Office, disability advocates (grants)
- D. Equipment (Target date 2006)
 - Satisfaction of the visually impaired with the new equipment—survey.
Responsibility: Disability advocates on State Plan Committee
 - Number of punch card machines replaced.
Responsibility: Lt. Governor's Office, county clerks
- E. Education and Training (Target date 2006)
 - Accessibility of election materials to voters with disabilities. This includes the Voter Information Pamphlet and other materials in audio and Braille.
Responsibility: Lt. Governor's Office
 - Number of judges trained on new equipment.
Responsibility: Lt. Governor's Office, county clerks
 - Number of county clerks, staffs and other election officials trained and certified by the State.
Responsibility: Lt. Governor's Office
 - Number of households who receive the Voter Information Pamphlet in the mail.
Responsibility: Lt. Governor's Office

(9) A description of the uniform, non-discriminatory State-based administrative complaint procedures in effect under section 402.

- A. All administrative complaint proceedings will be designated as informal and conducted in accordance with Utah Code Title 63, Chapter 46b, *Administrative Procedures Act*.
- B. A committee will be formed to review the notarized complaints. The committee will consist of two political party representatives, two county clerks (one urban and one rural), the state elections office, and two advocacy representatives (including one from the visually impaired community). After reviewing the complaint, the committee may refer it to mediation or court as necessary.

C. It is anticipated that most complaints that are received over the phone or other written complaints will be resolved immediately without using the formal complaint procedure.

(10) If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

As previously stated, Utah will accept the title I payments for the punch card buyout. However, at the date of the submission of this plan, no federal funds have been received. Payments will be allocated according to the proposed budget described in *Section 6*.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan; (B) is subject to public notice and comment in accordance with section 256 in the

same manner as the State plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

The State Plan Committee will meet at least twice each calendar year to review the budget. At these meetings the committee will also review the progress of the items addressed in the State Plan and make necessary changes. The State Plan committee will also convene as needed when requested by the Lt. Governor.

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

This section is not applicable to the current year.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The State Plan Committee met from November 2002 to June 2003 to develop the State Plan. Minutes were kept at each of the meetings to document the discussions and the decisions made by the committee. Minutes of those meetings are on file in the State Elections Office. Committee members are:

Hon. Patrice Arent, Utah State Senate (D)
Hon. Dan Eastman, Utah State Senate (R)
Bill Gibson, Division of Services for the Blind and Visually Impaired
Kim Jackson, Utah County Clerk (R)
Linda Lunceford, Weber County Clerk (R)

Amy Naccarato, Director, State Elections Office
Liz McCoy, Disability Law Center
Hon. Loraine Pace, Utah State House of Representatives (R)
Sandy Peck, League of Women Voters
Robert Pero, Carbon County Clerk (D)
Steve Rawlings, Davis County Clerk (R)
Thom Roberts, Attorney General=s Office
Scott Simpson, Executive Director, Utah Republican Party
Sherrie Swensen, Salt Lake County Clerk (D)
Todd Taylor, Executive Director Utah Democrats
Hon. Olene S. Walker, Lieutenant Governor

For more information

Contact: Utah State Elections Office
115 State Capitol
SLC, Utah 84114
tel. (801) 538-1041
fax (801) 538-1133
www.elections.utah.gov
elections@utah.gov