

ELECTIONS COMPLAINTS AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to elections complaints and creates the Utah Elections Board.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Utah Elections Board (board) and describes the membership, powers, and duties of the board;
- ▶ establishes a procedure for review of an elections complaint, filed by registered voter via a verified petition, that includes an initial review by the lieutenant governor or another reviewing official and, for potentially significant violations, a review and hearing by the board;
- ▶ provides for the appointment of special counsel and the grant of use immunity;
- ▶ grants subpoena power to the board and provides for enforcement of the board's subpoenas;
- ▶ describes penalties that may be imposed by a reviewing official or the board;
- ▶ subject to veto by the lieutenant governor, grants the board authority, under certain circumstances, to issue an order declaring the election of a candidate void, ousting or excluding a candidate from office, and declaring an office vacant;
- ▶ provides for the appeal of an order described in the preceding paragraph;



- 28 ▶ classifies records;
- 29 ▶ provides for closed meetings under certain circumstances;
- 30 ▶ provides a transitions clause; and
- 31 ▶ makes technical changes.

32 Money Appropriated in this Bill:

33 None

34 Other Special Clauses:

35 This bill takes effect on July 1, 2014.

36 Utah Code Sections Affected:

37 ENACTS:

- 38 **20A-1a-101**, Utah Code Annotated 1953
- 39 **20A-1a-102**, Utah Code Annotated 1953
- 40 **20A-1a-201**, Utah Code Annotated 1953
- 41 **20A-1a-202**, Utah Code Annotated 1953
- 42 **20A-1a-203**, Utah Code Annotated 1953
- 43 **20A-1a-301**, Utah Code Annotated 1953
- 44 **20A-1a-302**, Utah Code Annotated 1953
- 45 **20A-1a-303**, Utah Code Annotated 1953
- 46 **20A-1a-304**, Utah Code Annotated 1953
- 47 **20A-1a-401**, Utah Code Annotated 1953
- 48 **20A-1a-402**, Utah Code Annotated 1953
- 49 **20A-1a-501**, Utah Code Annotated 1953
- 50 **20A-1a-502**, Utah Code Annotated 1953
- 51 **20A-1a-503**, Utah Code Annotated 1953
- 52 **20A-1a-601**, Utah Code Annotated 1953
- 53 **20A-1a-602**, Utah Code Annotated 1953
- 54 **67-1a-15**, Utah Code Annotated 1953

55 REPEALS:

- 56 **20A-1-703**, as last amended by Laws of Utah 2013, Chapter 174 and last amended by
- 57 Coordination Clause, Laws of Utah 2013, Chapter 174
- 58 **20A-1-704**, as enacted by Laws of Utah 1993, Chapter 1

59 [20A-1-706](#), as last amended by Laws of Utah 2013, Chapter 174

60 [20A-1-707](#), as enacted by Laws of Utah 2013, Chapter 174



62 *Be it enacted by the Legislature of the state of Utah:*

63 Section 1. Section **20A-1a-101** is enacted to read:

64 **CHAPTER 1a. ELECTION COMPLAINTS**

65 **Part 1. General Provisions**

66 **20A-1a-101. Title.**

67 (1) This chapter is known as "Election Complaints."

68 (2) This part is known as "General Provisions."

69 Section 2. Section **20A-1a-102** is enacted to read:

70 **20A-1a-102. Definitions.**

71 As used in this chapter:

72 (1) "Board" means the Utah Elections Board, created in Section [67-1a-15](#).

73 (2) "Reviewing official" means:

74 (a) except as provided in Subsection (2)(b), the lieutenant governor or a designee of the
75 lieutenant governor who is employed by the Office of the Lieutenant Governor; or

76 (b) if the verified petition alleges a violation of a provision of this title by the governor
77 or the lieutenant governor, any of the following who do not have a conflict of interest in
78 relation to the matters alleged in the verified petition, in the following order of precedence:

79 (A) the attorney general, or a designee of the attorney general who is employed by the
80 Office of the Attorney General;

81 (B) the state auditor, or a designee of the state auditor who is employed by the Office
82 of the State Auditor; or

83 (C) the state treasurer, or a designee of the state treasurer who is employed by the
84 Office of the State Treasurer.

85 (3) "Significant violation" means:

86 (a) a violation that, if known by voters before the election, may have resulted in a
87 candidate, other than the candidate certified as having won the election, winning the election;

88 or

89 (b) a violation that, had the violation not occurred, may have resulted in a candidate,

90 other than the candidate certified as having won the election, winning the election.

91 (4) "Verified petition" means a verified petition, described in Section [20A-1a-202](#),
92 filed by a registered voter alleging a violation of a provision of this title.

93 Section 3. Section **20A-1a-201** is enacted to read:

94 **Part 2. Verified Petition**

95 **20A-1a-201. Title.**

96 This part is known as "Verified Petition."

97 Section 4. Section **20A-1a-202** is enacted to read:

98 **20A-1a-202. Verified petition alleging violation -- Review and determination by**
99 **reviewing official -- Forwarding petition to board for review.**

100 (1) A registered voter may file a verified petition alleging a violation of any provision
101 of this title, if:

102 (a) the registered voter has information relating to the alleged violation; and

103 (b) the allegation is against a candidate for whom the registered voter has the right to
104 vote, a personal campaign committee of that candidate, or a member of a personal campaign
105 committee of that candidate.

106 (2) The registered voter described in Subsection (1) shall file the verified petition with
107 the Office of the Lieutenant Governor.

108 (3) The lieutenant governor shall post a link on the home page of the lieutenant
109 governor's website to a page containing instructions on how and where to file a verified
110 petition.

111 (4) (a) Within five calendar days after the day on which an individual files a verified
112 petition, the reviewing official shall:

113 (i) review the verified petition to determine whether the verified petition is filed in
114 accordance with the requirements of this section; and

115 (ii) (A) if the reviewing official determines that the verified petition does not comply
116 with the requirements of this section, reject the petition and inform the individual who signed
117 the petition, in writing, of the reason for the reviewing official's determination; or

118 (B) if the reviewing official determines that the verified petition is filed in accordance
119 with the requirements of this section, inform the individual who signed the petition, in writing,
120 that the reviewing official has accepted the petition.

121 (b) An individual may correct and refile a verified petition that is rejected under
122 Subsection (4)(a)(ii)(A).

123 (5) Within five calendar days after the day on which the reviewing official accepts a
124 verified petition under Subsection (4)(a)(ii)(B), the reviewing official shall determine whether
125 it is more likely than not that the violations alleged in the verified petition, if true, would
126 constitute a significant violation.

127 (6) (a) If the reviewing official determines that it is unlikely that the violations
128 contained in a verified petition, if true, would constitute a significant violation, the reviewing
129 official shall investigate and, after giving the candidate notice and an opportunity to be heard,
130 determine whether the allegations are true.

131 (b) If, after making the determination described in Subsection (6)(a), the reviewing
132 official determines that any of the violations alleged in the verified petition are true, the
133 reviewing official shall:

134 (i) take any authorized action that the reviewing official determines is appropriate,
135 including:

136 (A) requiring a candidate to file a missing report or to correct an erroneous or
137 incomplete report;

138 (B) imposing any civil penalties authorized by this title; or

139 (C) referring the matter to law enforcement for investigation and potential criminal
140 prosecution; and

141 (ii) inform the individual who filed the verified petition, in writing, of the
142 determination made by the reviewing official, the grounds for the determination, and the action
143 that the reviewing official decides to take.

144 (c) If, after making the determination described in Subsection (6)(a), the reviewing
145 official determines that none of the violations alleged in the verified petition are true, the
146 reviewing official shall:

147 (i) dismiss the petition; and

148 (ii) inform the individual who filed the verified petition, in writing, that the reviewing
149 official has determined that none of the violations alleged in the verified petition are true, of
150 the grounds for the determination, and that the petition is dismissed.

151 (7) If the reviewing official determines that it is more likely than not that the violations

152 contained in a verified petition, if true, would constitute a significant violation, the reviewing
153 official shall:

154 (a) forward to each member of the board:

155 (i) a copy of the verified petition;

156 (ii) a copy or description of the evidence gathered in relation to the petition;

157 (iii) a statement that the reviewing official has determined that it is more likely than not
158 that the violations contained in the verified petition, if true, would constitute a significant
159 violation; and

160 (iv) a description of the grounds for the determination described in Subsection
161 (7)(a)(iii); and

162 (b) inform the individual who filed the verified petition, in writing, of:

163 (i) the determination made by the reviewing official; and

164 (ii) that the verified petition has been forwarded to the board for review.

165 (8) (a) A reviewing official may seek an advisory opinion from the board before
166 making any of the determinations that the reviewing official is required to make under this
167 section.

168 (b) The reviewing official may extend the deadlines for an action that the reviewing
169 official is required to take under this section, for up to an additional 10 calendar days, in order
170 for the reviewing official to seek an advisory opinion from the board.

171 Section 5. Section **20A-1a-203** is enacted to read:

172 **20A-1a-203. Initial review of verified petition by board -- Action by the board --**
173 **Additional investigation -- Additional allegations.**

174 (1) Upon receipt of the information described in Subsection [20A-1a-202\(7\)\(a\)](#), the
175 board shall meet to discuss the verified petition and the evidence provided in relation to the
176 verified petition.

177 (2) At the meeting described in Subsection (1), the board shall determine whether
178 additional evidence is needed to determine whether the allegations in the verified petition:

179 (a) are true; or

180 (b) if true, would constitute a significant violation.

181 (3) If the board determines that additional evidence is needed, the board may:

182 (a) instruct staff to the board to gather the additional evidence;

- 183 (b) obtain special counsel in accordance with Section 20A-1a-302; or
184 (c) obtain evidence by subpoena under Section 20A-1a-303.
185 (4) If the board determines that, even if the allegations in the verified petition are true,
186 the violations alleged in the verified petition do not constitute a significant violation, the board
187 shall return the verified petition to the reviewing official to take action in accordance with
188 Subsections 20A-1a-202(6)(b) and (c).
189 (5) If, at any point in the review process, the board determines that any of the
190 allegations in the verified petition are untrue, the board shall:
191 (a) dismiss the allegations that the board finds to be untrue; and
192 (b) inform the individual who filed the verified petition, in writing:
193 (i) of the allegations found by the board to be untrue; and
194 (ii) of the grounds for the board's finding.
195 (6) The board may on its own initiative, upon motion of the reviewing official, or upon
196 motion of special counsel appointed under Section 20A-1a-302, file and consider additional
197 allegations of a violation of this title by a person against whom an allegation is made in a
198 verified petition, if the board determines that filing and considering the allegations:
199 (a) are in the public interest; and
200 (b) do not violate the due process rights of a person against whom the additional
201 allegation is made.
202 (7) Additional allegations described in Subsection (6) are not required to be supported
203 by a verified petition.

204 Section 6. Section **20A-1a-301** is enacted to read:

205 **Part 3. Powers of the Board**

206 **20A-1a-301. Title.**

207 This part is known as "Powers of the Board."

208 Section 7. Section **20A-1a-302** is enacted to read:

209 **20A-1a-302. Special counsel.**

210 If the board determines that special counsel is needed to address allegations raised in a
211 petition or allegations added under Subsection 20A-1a-203(6), the reviewing official may:

- 212 (1) request the attorney general to appoint special counsel from within the Office of the
213 Attorney General; or

214 (2) if the attorney general has a conflict of interest in relation to the allegations, appoint
215 a private attorney as special counsel.

216 Section 8. Section **20A-1a-303** is enacted to read:

217 **20A-1a-303. Subpoena power -- Enforcement.**

218 (1) The board may authorize the chair of the board or the reviewing official to issue a
219 subpoena on behalf of the board.

220 (2) Each subpoena issued on behalf of the board shall include:

221 (a) the name of the board;

222 (b) the signature of the issuer; and

223 (c) a command to the person to whom the subpoena is addressed to:

224 (i) appear and testify at the time and place specified in the subpoena; or

225 (ii) produce accounts, books, papers, documents, electronically stored information, or
226 tangible things designated in the subpoena.

227 (3) A subpoena described in this section may be served:

228 (a) within the state by the sheriff of the county where service is made, by the sheriff's
229 deputy, or by any other person 18 years old or older who is not a member of the board, the
230 reviewing official, or staff to the board or the reviewing official;

231 (b) in another state or United States territory, by the sheriff of the county where the
232 service is made, or by the sheriff's deputy, a United States marshal, or a United States marshal's
233 deputy;

234 (c) in a foreign country:

235 (i) by following the procedures prescribed by the law of the foreign country;

236 (ii) upon an individual personally, by any person 18 years old or older who is not a
237 member of the board, the reviewing official, or staff to the board or the reviewing official; or

238 (iii) upon a corporation, partnership, or association, or a managing or general agent of
239 the corporation, partnership, or association, by any person 18 years old or older who is not a
240 member of the board, the reviewing official, or staff to the board or the reviewing official; or

241 (d) by any form of mail requiring a signed receipt, to be addressed and dispatched by
242 the board to the party to be served.

243 (4) (a) When the subject of a subpoena issued under this section disobeys or fails to
244 comply with the subpoena, or if a person appears pursuant to a subpoena and refuses to testify

245 to a matter upon which the person may be lawfully interrogated, that person is in contempt of
246 the board and the board or special counsel may:

247 (i) file a motion for an order to compel obedience to the subpoena with the district
248 court;

249 (ii) file, with the district court, a motion for an order to show cause why the penalties
250 established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person
251 named in the subpoena for contempt of the board; or

252 (iii) pursue other remedies against persons in contempt of the board.

253 (b) (i) Upon receipt of a motion under this Subsection (4), the court shall expedite the
254 hearing and decision on the motion.

255 (ii) A court may:

256 (A) order the person named in the subpoena to comply with the subpoena; and

257 (B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon
258 the person named in the subpoena for contempt of the board.

259 (5) (a) If a subpoena issued under this section requires the production of accounts,
260 books, papers, documents, electronically stored information, or tangible things, the person to
261 whom the subpoena is directed may petition a district court to quash or modify the subpoena at
262 or before the time specified in the subpoena for compliance.

263 (b) The board or special counsel may respond to a motion to quash or modify the
264 subpoena by pursuing any remedy authorized by Subsection (4).

265 (c) If the court finds that a subpoena requiring the production of accounts, books,
266 papers, documents, electronically stored information, or tangible things is unreasonable or
267 oppressive, the court may quash or modify the subpoena.

268 (6) Nothing in this section prevents the board from seeking an extraordinary writ to
269 remedy contempt of the board.

270 (7) Any party aggrieved by a decision of a court under this section may appeal that
271 action directly to the Utah Supreme Court.

272 (8) Except for state officers and employees, witnesses appearing pursuant to a
273 subpoena issued under this section shall receive witness fees and mileage as provided by law
274 for attendance before the district courts of this state.

275 Section 9. Section **20A-1a-304** is enacted to read:

276 **20A-1a-304. Use immunity.**

277 In the event a witness asserts a privilege against self-incrimination, the board or special
278 counsel may request a person described in Subsections [77-22b-1\(1\)\(a\)\(i\)](#) through (iii) to
279 compel testimony and the production of evidence from the witness pursuant to Title 77,
280 Chapter 22b, Grants of Immunity.

281 Section 10. Section **20A-1a-401** is enacted to read:

282 **Part 4. Hearing and Action by Board**

283 **20A-1a-401. Title.**

284 This part is known as "Hearing and Action by Board."

285 Section 11. Section **20A-1a-402** is enacted to read:

286 **20A-1a-402. Hearings and other action by board -- Findings of fact and**
287 **conclusions of law -- Order -- Action regarding legislative candidates -- Appeal.**

288 (1) The board shall hold a hearing if, after the initial review of the verified petition
289 under Section [20A-1a-203](#), there remains at least one alleged violation in the verified petition
290 that is not dismissed and that the board determines, if true, would constitute a significant
291 violation.

292 (2) The board shall ensure that, at the hearing:

293 (a) all evidence upon which the board is relying is presented; and

294 (b) each person against whom a remaining allegation is made has notice and an
295 opportunity to be heard.

296 (3) After the hearing, the board shall issue findings of fact and conclusions of law, in
297 writing, indicating:

298 (a) whether the remaining allegations are true;

299 (b) whether the allegations found to be true, if any, constitute a significant violation;

300 and

301 (c) stating the evidence and conclusions upon which the determinations described in
302 Subsections (3)(a) and (b) are based.

303 (4) If, after the hearing, the board determines that any of the remaining allegations is
304 true, but does not constitute a significant violation, the board shall return the verified petition to
305 the reviewing official to take action in accordance with Subsections [20A-1a-202\(6\)\(b\)](#) and (c).

306 (5) (a) Except as provided in Subsection (7), if, after the hearing, the board determines

307 that any of the remaining allegations is true and constitutes a significant violation, the board
308 shall enter a contingent order:

309 (i) declaring void the election of the candidate to the applicable office;

310 (ii) ousting or excluding the candidate from the applicable office; and

311 (iii) declaring the office vacant.

312 (b) On the day on which the board issues a contingent order described in Subsection
313 (5)(a), the board shall provide to the lieutenant governor:

314 (i) a copy of the contingent order;

315 (ii) a written statement informing the lieutenant governor of the board's findings and
316 the grounds for the board's findings; and

317 (iii) copies of the evidence upon which the board's findings are based.

318 (c) Within 15 days after the day on which the lieutenant governor receives the
319 information and evidence described in Subsection (5)(b), the lieutenant governor shall:

320 (i) review the information and evidence to determine whether the lieutenant governor
321 agrees with the findings and order; and

322 (ii) (A) sign the order;

323 (B) veto the order; or

324 (C) take no action.

325 (d) (i) If the lieutenant governor signs the order, as described in Subsection
326 (5)(c)(ii)(A), the order is no longer contingent and is final, subject to appeal under Subsection
327 (8), at the time the lieutenant governor signs the order.

328 (ii) If the lieutenant governor vetoes the order, as described in Subsection (5)(c)(ii)(B),
329 the order is not in effect and the lieutenant governor may take action in relation to the matter, in
330 accordance with Subsections [20A-1-202\(6\)\(b\)](#) and (c).

331 (iii) If the lieutenant governor takes no action, as described in Subsection (5)(c)(ii)(C),
332 the order is no longer contingent and is final, subject to appeal under Subsection (8), 16 days
333 after the day on which the lieutenant governor receives the information and evidence described
334 in Subsection (5)(b).

335 (6) A vacancy created by an order described in Subsection (5) shall be filled as
336 provided in Chapter 1, General Provisions.

337 (7) As it relates to a candidate for either house of the Legislature, if the board finds that

338 the candidate, the candidate's personal campaign committee, or a member of the candidate's
339 personal campaign committee has committed a significant violation of any provision of this
340 title, the board shall, without entering an order, forward the findings of fact and conclusions of
341 law described in Subsection (3) to the reviewing official and to the house of the Legislature to
342 which the candidate stood for election.

343 (8) A candidate against whom an adverse order is entered under Subsection (5) may,
344 after the order becomes final, appeal the order to the Utah Court of Appeals.

345 (9) Any action under this part may not be construed to affect or bar in any way a
346 criminal prosecution of any candidate or other person.

347 Section 12. Section **20A-1a-501** is enacted to read:

348 **Part 5. Records and Meetings**

349 **20A-1a-501. Title.**

350 This part is known as "Records and Meetings."

351 Section 13. Section **20A-1a-502** is enacted to read:

352 **20A-1a-502. Records.**

353 (1) The following records received by, or generated by or for, a special investigative
354 committee are protected records, for purposes of Title 63G, Chapter 2, Government Records
355 Access and Management Act, until the reviewing official and board conclude their business or
356 determine to remove the protected record classification described in this section:

357 (a) records of a witness interview;

358 (b) records containing the mental impressions of board members, the reviewing
359 official, or staff to the board or the reviewing official;

360 (c) records containing information on investigative strategy;

361 (d) records, the disclosure of which would interfere with the effectiveness of the
362 investigation;

363 (e) a copy or description of evidence described in Subsection [20A-1a-202\(7\)\(a\)\(ii\)](#);

364 (f) a description described in Subsection [20A-1a-202\(7\)\(a\)\(iv\)](#);

365 (g) a written description described in Subsection [20A-1a-402\(5\)\(b\)\(ii\)](#); and

366 (h) the copies of evidence described in Subsection [20A-1a-402\(5\)\(b\)\(iii\)](#).

367 (2) The following records are public records for purposes of Title 63G, Chapter 2,
368 Government Records Access and Management Act:

- 369 (a) a verified petition;
- 370 (b) a written document described in:
- 371 (i) Subsection [20A-1a-202\(4\)\(a\)\(ii\)\(A\)](#);
- 372 (ii) Subsection [20A-1a-202\(4\)\(a\)\(ii\)\(B\)](#);
- 373 (iii) Subsection [20A-1a-202\(6\)\(b\)\(ii\)](#);
- 374 (iv) Subsection [20A-1a-202\(6\)\(c\)\(ii\)](#);
- 375 (v) Subsection [20A-1a-202\(7\)\(b\)](#);
- 376 (vi) Subsection [20A-1a-203\(5\)\(b\)](#); and
- 377 (vii) Subsection [20A-1a-402\(3\)](#);
- 378 (c) additional allegations described in Subsection [20A-1a-203\(6\)](#); and
- 379 (d) an order or veto described in Subsection [20A-1a-402\(5\)](#).

380 Section 14. Section **20A-1a-503** is enacted to read:

381 **20A-1a-503. Closed meetings.**

382 Notwithstanding the provisions of Subsections [52-4-204\(2\)](#) and [52-4-205\(1\)](#), the board
383 may hold a closed meeting if a majority of the members present votes to close the meeting for
384 the purpose of:

- 385 (1) seeking or obtaining legal advice;
- 386 (2) discussing matters of strategy relating to an investigation, if discussing the matters
387 in public would interfere with the effectiveness of the investigation; or
- 388 (3) questioning a witness, if questioning the witness in public would interfere with a
389 criminal investigation.

390 Section 15. Section **20A-1a-601** is enacted to read:

391 **Part 6. Miscellaneous Provisions**

392 **20A-1a-601. Title.**

393 This part is known as "Miscellaneous Provisions."

394 Section 16. Section **20A-1a-602** is enacted to read:

395 **20A-1a-602. Transitions clause.**

396 An elections complaint petition that is filed or pending under Title 20A, Chapter 1, Part
397 7, Prosecuting and Adjudicating Election Offenses, before July 1, 2014:

- 398 (1) is not subject to this chapter; and
- 399 (2) shall be subject to the provisions of Title 20A, Chapter 1, Part 7, Prosecuting and

400 Adjudicating Election Offenses, as they existed on June 30, 2014.

401 Section 17. Section **67-1a-15** is enacted to read:

402 **67-1a-15. Utah Elections Board -- Membership -- Staffing -- Duties.**

403 (1) As used in this section, "board" means the Utah Elections Board, created in this
404 section.

405 (2) There is created, within the Office of the Lieutenant Governor, the Utah Elections
406 Board.

407 (3) The board is composed of three retired judges, no more than two of whom may be
408 from the same political party, appointed by the governor with the advice and consent of the
409 Senate.

410 (4) Members of the board shall serve a term of six years, except that in order to provide
411 for staggered terms, the governor shall appoint the first members of the board as follows:

412 (a) one member to serve an initial term of two years;

413 (b) one member to serve an initial term of four years; and

414 (c) one member to serve an initial term of six years.

415 (5) A member of the board may not serve more than two consecutive terms.

416 (6) When a vacancy occurs on the board before the end of a member's term, the
417 governor shall appoint a replacement, with the advice and consent of the Senate, to serve the
418 remainder of the member's term. If the remainder of the term is longer than six months, that
419 member may only serve one more consecutive term.

420 (7) (a) Except as provided in Subsection (7)(b), the governor may only remove a
421 member of the board for cause.

422 (b) During a period of time when there is a pending verified petition against the
423 governor or the lieutenant governor:

424 (i) the governor may not remove a member of the board; and

425 (ii) any of the following, who does not have a verified petition pending him or her, may
426 remove a member of the board for cause:

427 (A) the attorney general;

428 (B) the state auditor; or

429 (C) the state treasurer.

430 (8) A member of the board may not receive compensation or benefits for the member's

431 service, but may receive per diem and travel expenses in accordance with:

432 (a) Section 63A-3-106;

433 (b) Section 63A-3-107; and

434 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

435 63A-3-107.

436 (9) Two members of the board constitutes a quorum, and a vote by two members of the
437 board constitutes the action of the board.

438 (10) The board shall appoint one of its members to serve a one-year term as chair of the
439 board.

440 (11) The lieutenant governor's office shall provide staff services to the board, except
441 that, if an elections complaint is filed against the governor or the lieutenant governor, the
442 attorney general's office shall provide staff support to the board in relation to that elections
443 complaint.

444 (12) The board shall:

445 (a) administer and resolve elections complaints in accordance with Title 20A, Chapter
446 1a, Election Complaints; and

447 (b) recommend statutory changes and rule changes relating to the provisions of Title
448 20A, Chapter 1a, Election Complaints.

449 **Section 18. Repealer.**

450 This bill repeals:

451 Section **20A-1-703, Proceedings by registered voter.**

452 Section **20A-1-704, Judgment and findings -- Appeal -- Criminal prosecution not**
453 **affected by judgment.**

454 Section **20A-1-706, Special counsel on appeal.**

455 Section **20A-1-707, Transition clause.**

456 Section 19. **Effective date.**

457 This bill takes effect on July 1, 2014.

Legislative Review Note
as of 11-15-13 9:15 AM

Office of Legislative Research and General Counsel