

Summary of SB 82:

- Modifies the oath of a judge of the probate court serving as the election superintendent; requires each member of a board of elections and county election supervisors to take oaths.
- Requires the election superintendent or municipal governing authority to make the orders appointing poll managers and assistant managers available for public inspection upon request.
- In run-off primaries, only people who were entitled to vote in the primary may vote; only votes cast for the candidates designated for the runoff will be counted in the tabulation and canvass of the votes cast; electors voting in the primary of one party may only vote in the primary runoff of that party.
- The posting of candidate qualification sheets after the close of the qualification period by the county executive committee of each political party must be posted at the office of the county election superintendent, not the county courthouse; the state executive committee of each political party must provide the list of all qualified candidates to the office of the Secretary of State; if the elections superintendent qualifies candidates for a political party, the superintendent must post the list of qualified candidates at his or her office rather than the county courthouse.
- Provides that county boards of elections and registration appoint registrars and fill vacancies, or the judge of the superior court if the county lacks such a board. Removes the provision that in counties with a population of more than 600,000, the governing authority appoints county registrars. The governing authority appoints registrars only if, within 90 days of the end of the term or the creation of a vacancy for a county registrar, an appointment is not made by the board of elections and registration or, in the absence of such a board, the superior court judge.
- Provides that registrars must check the databases of felons and deceased person maintained by the Secretary of State prior to approving a person to register to vote.
- E-mail addresses added to the list of exempt information when Secretary of State data is released for public inspection.
- Allows election superintendents to provide additional voting equipment or poll workers instead of reducing the size of precincts under 21-2-263.
- Eliminates requirement that election superintendent verify and certify in writing to the Secretary of State that all voting will occur on equipment certified by the Secretary of State at least 10 days prior to every primary and election.
- Specifically allows overseas citizens and soldiers to vote on constitutional amendments or questions.
- Absentee ballots may be delivered to the board of registrars and absentee ballot clerk between 45 and 46 days ahead of an election or primary, and may not be mailed or issued earlier than 46 days. For municipalities, the period is 21 and 22 days ahead of elections and primaries.
- Regarding the early counting of absentee ballots, the superintendent need only notify the Secretary of State in writing of his or her intent to count them early.
- Extends the Secretary of State's pilot program for electronic voting for overseas voters to primaries (instead of only elections).

- Superintendents must maintain a supply of sample ballots at polling places rather than the county courthouse.
- Adds cameras and photographic devices to the list of devices a voter cannot access once he or she has been issued a ballot or entered a voting booth.
- Allows the election superintendent to create at his or her discretion multiple vote review panels; in the event the panels disagree about a ballot or vote, the panel of which the superintendent is a member has the final say.
- When the difference between votes for and against a constitutional amendment or binding referendum question is not more than 1%, the Constitutional Amendments Publication Board, at its discretion, may call for a recount within two business days following the certification of the election results.
- Permits a person elected to a federal, state, or county office to be sworn into office upon the certification of the results of the election even if the election is contested. The final judgment of the proper court or tribunal will determine if the person remains in the office.
- Creates first and second degree criminal solicitation to commit election fraud offenses. First degree is punishable by one to three years in prison; second degree is a misdemeanor.