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House Government Operations Standing Committee
Utah House of Representatives
20 House Building, Utah State Capitol Complex
Salt Lake City, UT

Re: House Bill 49, "Voter Challenge Amendments"

Dear Committee Member,

On behalf of the American Civil Liberties Union of Utah, I urge you to vote in favor of H.B. 49, "Voter Challenge Amendments." This bill is an important step forward in preserving and upholding the Constitutional right of Utahns to vote, and will help inspire greater confidence in the voting process by the electorate.

The ACLU of Utah learned through an investigation that Utah's current voter challenge law is susceptible to misuse for purposes of disenfranchising voters. During the 2007 Ogden mayoral election, lists of large numbers of Ogden voters were submitted to the county clerk as ineligible voters, without justification. These accusations were later determined to be unfounded but as a result, many challenged voters in Ogden were required to vote by provisional ballot, which for a variety of reasons, resulted in their ballots not being counted. This tactic has also been used in other parts of the state, and against other groups of voters to dissuade eligible and lawful voters from exercising the right to vote.

H.B. 49 modifies the way in which voter eligibility may be challenged so that the procedure by which voters are challenged cannot not be manipulated and used as a tool to illegitimately disenfranchise lawful voters. Instead, the bill sets forth clear procedures requiring voter eligibility challenges to be lodged with a county clerk in advance of Election Day, giving both the challenger and the challenged voter the opportunity to provide evidence of his or her claim. Many other states across the nation have enacted similar legislation to ensure that spurious challenges are prevented.

This much needed legislation will ensure that all eligible voters are able to vote, while retaining the ability for appropriate voter eligibility challenges to be made. It will however, assure that the challenge process cannot be manipulated to exclude voters for political or other reasons. Finally, and importantly, it will clarify the challenge process and free up election official time on Election Day to deal with real election issues.

For the foregoing reasons, we urge you to vote in favor of H.B. 49.
Regards,

Marina Lowe
Staff Attorney