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February 23, 2010

Governor Gary Herbert
Utah State Capitol Complex
350 North State Street, Suite 200
PO Box 142220
Salt Lake City, Utah 84114-2220

Re: Senate Bill 53, "Voter Challenge Revisions"

Dear Governor Herbert:

On behalf of the American Civil Liberties Union of Utah, we write in support of your signature on Senate Bill 53, "Voter Challenge Revisions."

S.B. 53, "Voter Challenge Revisions," seeks to strengthen the integrity of the process by which voter eligibility can be challenged. This bill is the culmination of several years of work by Utah County Clerks, the ACLU of Utah and other voting rights' advocates. SB 53 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.

S.B. 53 modifies the way in which voter eligibility may be challenged. This will make it more difficult for the process to be manipulated in order to illegitimately disenfranchise lawful voters for political or other purposes. Under existing Utah law, an individual can challenge a voter's eligibility without that voter knowing about the challenge - until the hopeful voter arrives at their polling place on Election Day. The voter then has to complete a provisional ballot rather than cast a regular ballot, as unchallenged voters are able to do; provisional ballots are much more likely to be thrown out based on technicalities.

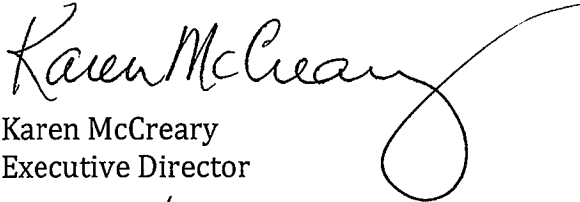
The ACLU of Utah witnessed first hand how Utah's current voter challenge law was misused to wrongfully accuse a large number of Ogden voters of being ineligible to vote during the 2007 election. Additionally, this tactic has been used in other parts of the state, and against other groups of voters to dissuade eligible and lawful voters from exercising the right to vote.

You may remember that in 2007 we issued a report detailing the problems encountered by voters in the Ogden mayoral election, and which highlighted the problems with Utah's current voter challenge law. A copy of that report is enclosed with this letter.

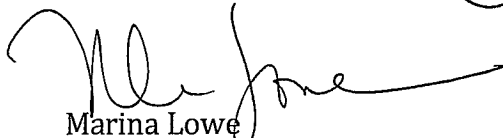
S.B. 53 will protect the ability for appropriate voter eligibility challenges to be made, but it will also give the challenged voter the opportunity to prove her or his eligibility (without missing out on the chance to participate in Election Day). In addition to assuring that the challenge process cannot be manipulated to exclude voters for political or other reasons, SB 53 actually streamlines the challenge process and frees up election official time on Election Day to deal with real election issues.

Thank you for your consideration of this important piece of legislation.

Sincere regards,



Karen McCreary
Executive Director



Marina Lowe
Legislative and Policy Counsel

Enclosures

cc: John Pearce, Esq.
General Counsel