

Senator Kevin T. Van Tassell proposes the following substitute bill:

AMENDMENTS TO ELECTION LAWS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill allows an individual who is 16 or 17 years of age to serve as a poll worker in an election and prohibits a candidate's family member from serving as a poll worker.

Highlighted Provisions:

This bill:

- ▶ allows an individual who is 16 or 17 years of age to serve as a receiving judge in a regular primary and a regular general election;
- ▶ prohibits a county legislative body from appointing a candidate's family member as a poll worker in a precinct where the candidate appears on the ballot;
- ▶ allows an individual who is 16 or 17 years of age to work as a poll worker in a local election;
- ▶ prohibits a municipal legislative body or local district board from appointing a candidate's family member as a poll worker in a precinct where the candidate appears on the ballot; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 This bill coordinates with S.B. 116, Poll Worker Amendments, by providing
27 substantive and technical amendments.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-5-601**, as last amended by Laws of Utah 2007, Chapter 75

31 **20A-5-602**, as last amended by Laws of Utah 2007, Chapters 75, 256, and 329

32 **Utah Code Sections Affected by Coordination Clause:**

33 **20A-5-602**, as last amended by Laws of Utah 2007, Chapters 75, 256, and 329



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

36 Section 1. Section **20A-5-601** is amended to read:

37 **20A-5-601. Poll workers -- Appointment for regular general elections and**
38 **primary elections.**

39 (1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the
40 county chair of each registered political party a list of the number of poll workers that the party
41 must nominate for each voting precinct.

42 (b) (i) By April 1 of each even-numbered year, the county chair and secretary of each
43 registered political party shall file a list with the county clerk containing, for each voting
44 precinct, the names of [~~registered voters~~] individuals in the county who are willing to [~~be~~]
45 serve as poll workers, who are qualified to serve as poll workers in accordance with this
46 section, and who are competent and trustworthy.

47 (ii) The county chair and secretary shall submit, for each voting precinct, names equal
48 in number to the number required by the county clerk plus one.

49 (2) Each county legislative body shall provide for the appointment of [~~persons~~]
50 individuals to serve as poll workers at the regular primary election, the regular general election,
51 and the Western States Presidential Primary.

52 (3) For regular general elections, each county legislative body shall provide for the
53 appointment of:

54 (a) (i) three registered voters, or one individual who is 16 or 17 years of age and two
55 registered voters, one of whom is at least 21 years of age, from the list to serve as receiving
56 judges for each voting precinct when ballots will be counted after the polls close; or

57 (ii) three registered voters, or one individual who is 16 or 17 years of age and two
58 registered voters, one of whom is at least 21 years of age, from the list to serve as receiving
59 judges in each voting precinct and three registered voters from the list to serve as counting
60 judges in each voting precinct when ballots will be counted throughout election day; and

61 (b) three registered voters from the list for each 100 absentee ballots to be counted to
62 serve as canvassing judges.

63 [~~(4) For regular primary elections and for the Western States Presidential Primary~~
64 ~~election, each county legislative body shall provide for the appointment of:]~~

65 [~~(a) (i) two or three registered voters, or one or two registered voters and one person 17~~
66 ~~years old who will be 18 years old by the date of the next regular general election, from the list~~
67 ~~to serve as receiving judges for each voting precinct when ballots will be counted after the~~
68 ~~polls close; or]~~

69 [~~(ii) two or three registered voters, or one or two registered voters and one person 17~~
70 ~~years old who will be 18 years old by the date of the next regular general election, from the list~~
71 ~~to serve as receiving judges in each voting precinct and two or three registered voters, or one or~~
72 ~~two registered voters and one person 17 years old who will be 18 years old by the date of the~~
73 ~~next regular general election, from the list to serve as counting judges in each voting precinct~~
74 ~~when ballots will be counted throughout election day; and]~~

75 (4) For each precinct in which ballots are counted after the polls close, in a regular
76 primary election and for the Western States Presidential Primary election, each county
77 legislative body shall provide for the appointment of two or three individuals from the list to
78 serve as receiving judges:

79 (a) each of whom is a registered voter; or

80 (b) (i) the first of whom is a registered voter and at least 21 years of age;

81 (ii) the second of whom is 16 or 17 years of age; and

82 (iii) if three individuals are appointed, the third of whom is a registered voter.

83 (5) For each precinct in which ballots are counted throughout election day, in a regular
84 primary election and for the Western States Presidential Primary election, each county
85 legislative body shall provide for the appointment of:

86 (a) two or three individuals from the list to serve as receiving judges:

87 (i) each of whom is a registered voter; or

88 (ii) (A) the first of whom is a registered voter and at least 21 years of age;
 89 (B) the second of whom is 16 or 17 years of age; and
 90 (C) if three individuals are appointed, the third of whom is a registered voter; and
 91 (b) two or three individuals from the list to serve as counting judges:
 92 (i) each of whom is a registered voter; or
 93 (ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the
 94 next regular general election; and

95 (B) each of the rest of whom is a registered voter; and
 96 ~~[(b)]~~ (c) two or three registered voters, or one or two registered voters and one [person]
 97 individual 17 years ~~[old]~~ of age who will be 18 years ~~[old]~~ of age by the date of the next regular
 98 general election, from the list for each 100 absentee ballots to be counted to serve as
 99 canvassing judges.

100 ~~[(5)]~~ (6) Each county legislative body may provide for the appointment of:

101 (a) three registered voters from the list to serve as inspecting judges at the regular
 102 general election to observe the clerk's receipt and deposit of the ballots for safekeeping; and

103 (b) two or three registered voters, or one or two registered voters and one [person]
 104 individual 17 years ~~[old]~~ of age who will be 18 years ~~[old]~~ of age by the date of the next regular
 105 general election, from the list to serve as inspecting judges at the regular primary election to
 106 observe the clerk's receipt and deposit of the ballots for safekeeping.

107 ~~[(6)]~~ (7) (a) For each set of three counting or receiving judges to be appointed for each
 108 voting precinct for the regular primary election, the regular general election, and the Western
 109 States Presidential Primary election, the county legislative body shall ensure that:

110 (i) two judges are appointed from the political party that cast the highest number of
 111 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
 112 excluding votes for unopposed candidates, in the voting precinct at the last regular general
 113 election before the appointment of the election judges; and

114 (ii) one judge is appointed from the political party that cast the second highest number
 115 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
 116 excluding votes for unopposed candidates, in the voting precinct at the last regular general
 117 election before the appointment of the election judges.

118 (b) For each set of two counting or receiving judges to be appointed for each voting

119 precinct for the regular primary election and Western States Presidential Primary election, the
120 county legislative body shall ensure that:

121 (i) one judge is appointed from the political party that cast the highest number of votes
122 for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding
123 votes for unopposed candidates, in the voting precinct at the last regular general election before
124 the appointment of the election judges; and

125 (ii) one judge is appointed from the political party that cast the second highest number
126 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
127 excluding votes for unopposed candidates, in the voting precinct at the last regular general
128 election before the appointment of the election judges.

129 ~~[(7)]~~ (8) When the voting precinct boundaries have been changed since the last regular
130 general election, the county legislative body shall ensure that:

131 (a) for the regular primary election and the Western States Presidential Primary
132 election, when the county legislative body is using three receiving, counting, and canvassing
133 judges, and regular general election, not more than two of the judges are selected from the
134 political party that cast the highest number of votes for the offices of governor, lieutenant
135 governor, attorney general, state auditor, and state treasurer in the territory that formed the
136 voting precinct at the time of appointment; and

137 (b) for the regular primary election and the Western States Presidential Primary
138 election, when the county legislative body is using two receiving, counting, and canvassing
139 judges, not more than one of the judges is selected from the political party that cast the highest
140 number of votes for the offices of governor, lieutenant governor, attorney general, state auditor,
141 and state treasurer in the territory that formed the voting precinct at the time of appointment.

142 ~~[(8)]~~ (9) The county legislative body shall provide for the appointment of any qualified
143 county voter as an election judge when:

144 (a) a political party fails to file the poll worker list by the filing deadline; or

145 (b) the list is incomplete.

146 ~~[(9)]~~ (10) A registered voter of the county may serve as a poll worker in any voting
147 precinct of the county.

148 (11) A county legislative body may not appoint a candidate's parent, sibling, spouse,
149 child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or

150 son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.

151 ~~[(10)]~~ (12) If ~~[a person]~~ an individual serves as a poll worker outside the voting
152 precinct where the ~~[person]~~ individual is registered, that ~~[person]~~ individual may vote an
153 absentee voter ballot.

154 ~~[(11)]~~ (13) The county clerk shall fill all poll worker vacancies.

155 ~~[(12)]~~ (14) If a conflict arises over the right to certify the poll worker lists for any
156 political party, the county legislative body may decide between conflicting lists, but may only
157 select names from a properly submitted list.

158 ~~[(13)]~~ (15) The county legislative body shall establish compensation for poll workers.

159 ~~[(14)]~~ (16) The county clerk may appoint additional poll workers to serve in the polling
160 place as needed.

161 Section 2. Section **20A-5-602** is amended to read:

162 **20A-5-602. Poll workers -- Appointment for local elections.**

163 ~~[(1) At least 15 days before the date scheduled for any local election, the municipal
164 legislative body or local district board shall appoint or provide for the appointment of:]~~

165 ~~[(a) in jurisdictions using paper ballots:]~~

166 ~~[(i) three registered voters, or two registered voters and one person 17 years old who
167 will be 18 years old by the date of the regular municipal election, who reside within the county
168 to serve as poll workers for each voting precinct when the ballots will be counted after the polls
169 close; or]~~

170 ~~[(ii) three registered voters, or two registered voters and one person 17 years old who
171 will be 18 years old by the date of the regular municipal election, who reside within the county
172 to serve as receiving judges in each voting precinct and three registered voters, or two
173 registered voters and one person 17 years old who will be 18 years old by the date of the
174 regular municipal election, who reside within the county to serve as counting judges in each
175 voting precinct when ballots will be counted throughout election day;]~~

176 ~~[(b) in jurisdictions using automated tabulating equipment, three registered voters, or
177 two registered voters and one person 17 years old who will be 18 years old by the date of the
178 regular municipal election, who reside within the county to serve as poll workers for each
179 voting precinct;]~~

180 ~~[(c) in jurisdictions using voting machines, four registered voters, or three registered~~

181 ~~voters and one person 17 years old who will be 18 years old by the date of the regular~~
182 ~~municipal election, who reside within the county to serve as poll workers for each voting~~
183 ~~precinct; and]~~

184 ~~[(d) in all jurisdictions:]~~

185 (1) A municipal legislative body or local district board appointing, or providing for the
186 appointment of, a poll worker for a local election under this section shall appoint the poll
187 worker at least 15 days before the date of the local election.

188 (2) For each precinct that uses a paper ballot, and where the ballots are counted after
189 the polls close, the municipal legislative body or local district board shall appoint, or provide
190 for the appointment of, three individuals who reside within the county to serve as poll workers:

191 (a) each of whom is a registered voter; or

192 (b) (i) the first of whom is a registered voter;

193 (ii) the second of whom is a registered voter and at least 21 years of age; and

194 (iii) the third of whom is 16 or 17 years of age.

195 (3) For each precinct that uses a paper ballot, and where the ballots are counted
196 throughout the day, the municipal legislative body or local district board shall appoint, or
197 provide for the appointment of:

198 (a) three individuals who reside within the county to serve as receiving judges;

199 (i) each of whom is a registered voter; or

200 (ii) (A) the first of whom is a registered voter;

201 (B) the second of whom is a registered voter and at least 21 years of age; and

202 (C) the third of whom is 16 or 17 years of age; and

203 (b) three individuals who reside within the county to serve as counting judges;

204 (i) each of whom is a registered voter; or

205 (ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the
206 next regular municipal election; and

207 (B) each of the rest of whom is a registered voter.

208 (4) For each precinct using automated tabulating equipment, the municipal legislative
209 body or local district board shall appoint, or provide for the appointment of, three individuals
210 who reside within the county to serve as poll workers:

211 (a) each of whom is a registered voter; or

- 212 (b) (i) the first of whom is a registered voter;
- 213 (ii) the second of whom is a registered voter and at least 21 years of age; and
- 214 (iii) the third of whom is 16 or 17 years of age.

215 (5) For each precinct using voting machines, the municipal legislative body or local
216 district board shall appoint, or provide for the appointment of, four individuals who reside
217 within the county to serve as poll workers:

- 218 (a) each of whom is a registered voter; or
- 219 (b) (i) the first of whom is a registered voter and at least 21 years of age;
- 220 (ii) the second of whom is 16 or 17 years of age; and
- 221 (iii) each of the rest of whom is a registered voter.

222 (6) In all jurisdictions, the municipal legislative body or local district board shall
223 appoint, or provide for the appointment of:

- 224 ~~[(1)]~~ (a) at least one registered voter who resides within the county to serve as
225 canvassing judge, if necessary; and
- 226 ~~[(1)]~~ (b) as many alternate poll workers as needed to replace appointed poll workers
227 who are unable to serve.

228 ~~[(2)]~~ (7) The municipal legislative body and local district board may not appoint any
229 candidate's parent, sibling, spouse, child, or ~~[in-law]~~ mother-in-law, father-in-law,
230 sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker ~~[in the~~
231 ~~voting precinct where the candidate resides]~~ in a precinct where the candidate appears on the
232 ballot.

233 ~~[(3)]~~ (8) The clerk shall:

- 234 (a) prepare and file a list containing the name, address, voting precinct, and telephone
235 number of each ~~[person]~~ individual appointed; and
- 236 (b) make the list available in the clerk's office for inspection, examination, and copying
237 during business hours.

238 ~~[(4)]~~ (9) (a) The municipal legislative body and local district board shall compensate
239 poll workers for their services.

240 (b) The municipal legislative body and local district board may not compensate their
241 poll workers at a rate higher than that paid by the county to its poll workers.

242 Section 3. **Coordinating H.B. 282 with S.B. 116 -- Substantive and technical**

243 **amendments.**

244 If this H.B. 282 and S.B. 116, Poll Worker Amendments, both pass and become law, it
245 is the intent of the Legislature that Section 20A-5-602 be amended to read:

246 **"20A-5-602. Poll workers -- Appointment for local elections.**

247 ~~[(1) At least 15 days before the date scheduled for any local election, the municipal~~
248 ~~legislative body or local district board shall appoint or provide for the appointment of:]~~

249 ~~[(a) in jurisdictions using paper ballots:]~~

250 ~~[(i) three registered voters, or two registered voters and one person 17 years old who~~
251 ~~will be 18 years old by the date of the regular municipal election, who reside within the county~~
252 ~~to serve as poll workers for each voting precinct when the ballots will be counted after the polls~~
253 ~~close; or]~~

254 ~~[(ii) three registered voters, or two registered voters and one person 17 years old who~~
255 ~~will be 18 years old by the date of the regular municipal election, who reside within the county~~
256 ~~to serve as receiving judges in each voting precinct and three registered voters, or two~~
257 ~~registered voters and one person 17 years old who will be 18 years old by the date of the~~
258 ~~regular municipal election, who reside within the county to serve as counting judges in each~~
259 ~~voting precinct when ballots will be counted throughout election day;]~~

260 ~~[(b) in jurisdictions using automated tabulating equipment, three registered voters, or~~
261 ~~two registered voters and one person 17 years old who will be 18 years old by the date of the~~
262 ~~regular municipal election, who reside within the county to serve as poll workers for each~~
263 ~~voting precinct;]~~

264 ~~[(c) in jurisdictions using voting machines, four registered voters, or three registered~~
265 ~~voters and one person 17 years old who will be 18 years old by the date of the regular~~
266 ~~municipal election, who reside within the county to serve as poll workers for each voting~~
267 ~~precinct; and]~~

268 ~~[(d) in all jurisdictions:]~~

269 (1) A county legislative body, a municipal legislative body, or a local district board
270 appointing, or providing for the appointment of, a poll worker for a local election under this
271 section shall appoint the poll worker at least 15 days before the date of the local election.

272 (2) For each precinct that uses a paper ballot, and where the ballots are counted after
273 the polls close, the county legislative body, the municipal legislative body, or the local district

274 board shall appoint, or provide for the appointment of, three individuals who reside within the
275 county to serve as poll workers:

276 (a) each of whom is a registered voter; or

277 (b) (i) the first of whom is a registered voter;

278 (ii) the second of whom is a registered voter and at least 21 years of age; and

279 (iii) the third of whom is 16 or 17 years of age.

280 (3) For each precinct that uses a paper ballot, and where the ballots are counted

281 throughout the day, the county legislative body, the municipal legislative body, or the local

282 district board shall appoint, or provide for the appointment of:

283 (a) three individuals who reside within the county to serve as receiving judges;

284 (i) each of whom is a registered voter; or

285 (ii) (A) the first of whom is a registered voter;

286 (B) the second of whom is a registered voter and at least 21 years of age; and

287 (C) the third of whom is 16 or 17 years of age; and

288 (b) three individuals who reside within the county to serve as counting judges;

289 (i) each of whom is a registered voter; or

290 (ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the

291 next local election; and

292 (B) each of the rest of whom is a registered voter.

293 (4) For each precinct using automated tabulating equipment, the county legislative

294 body, the municipal legislative body, or the local district board shall appoint, or provide for the

295 appointment of, three individuals who reside within the county to serve as poll workers:

296 (a) each of whom is a registered voter; or

297 (b) (i) the first of whom is a registered voter;

298 (ii) the second of whom is a registered voter and at least 21 years of age; and

299 (iii) the third of whom is 16 or 17 years of age.

300 (5) For each precinct using voting machines, the county legislative body, the municipal

301 legislative body, or the local district board shall appoint, or provide for the appointment of,

302 four individuals who reside within the county to serve as poll workers:

303 (a) each of whom is a registered voter; or

304 (b) (i) the first of whom is a registered voter and at least 21 years of age;

305 (ii) the second of whom is 16 or 17 years of age; and

306 (iii) each of the rest of whom is a registered voter.

307 (6) In all jurisdictions, the county legislative body, the municipal legislative body, or
308 local district board shall appoint, or provide for the appointment of:

309 [(i)] (a) at least one registered voter who resides within the county to serve as
310 canvassing judge, if necessary; and

311 [(ii)] (b) as many alternate poll workers as needed to replace appointed poll workers
312 who are unable to serve.

313 [(2)] (7) The county legislative body, the municipal legislative body, and the local
314 district board may not appoint any candidate's parent, sibling, spouse, child, [or in-law]
315 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
316 serve as a poll worker [in the voting precinct where the candidate resides] in a precinct where
317 the candidate appears on th ballot.

318 [(3)] (8) The clerk shall:

319 (a) prepare and file a list containing the name, address, voting precinct, and telephone
320 number of each [person] individual appointed; and

321 (b) make the list available in the clerk's office for inspection, examination, and copying
322 during business hours.

323 [(4)] (9) (a) The county legislative body, the municipal legislative body, and the local
324 district board shall compensate poll workers for their services.

325 (b) The municipal legislative body and local district board may not compensate their
326 poll workers at a rate higher than that paid by the county to its poll workers."