

1 **UTAH PRESIDENTIAL PRIMARY ELECTRONIC VOTING**
2 **PILOT PROJECT**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jon Cox**

6 Senate Sponsor: Curtis S. Bramble

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Election Code relating to the Western States
11 Presidential Primary.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that, if the Legislature funds a Western States Presidential Primary
15 election, the Legislature may, via the Utah Presidential Primary Pilot Project,
16 declare by resolution that the primary will be held electronically;
- 17 ▶ provides that an electronic election described in the preceding paragraph shall be
18 held before any other caucus, primary, or other event for selecting a nominee in the
19 nation;
- 20 ▶ grants rulemaking authority to the director of elections within the lieutenant
21 governor's office;
- 22 ▶ grants authority to the lieutenant governor to adjust dates and deadlines in order to
23 conduct an electronic election described in this bill; and
- 24 ▶ makes technical and conforming changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-9-802**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

32 **20A-9-803**, as last amended by Laws of Utah 2013, Chapter 317

33 **20A-9-805**, as enacted by Laws of Utah 1999, Chapter 22

34 **20A-9-806**, as last amended by Laws of Utah 2006, Chapter 326

35 ENACTS:

36 **20A-9-802.5**, Utah Code Annotated 1953



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

39 Section 1. Section **20A-9-802** is amended to read:

40 **20A-9-802. Western States Presidential Primary established -- Other ballot items**
41 **prohibited.**

42 [~~(1)~~(a)(i) ~~Contingent~~]

43 (1) (a) Except as provided in Subsection (1)(b), and contingent upon legislative
44 appropriation, there is established a Western States Presidential Primary election to be held on
45 the first Tuesday in February in the year in which a presidential election will be held.

46 (b) If the Legislature funds a Western States Presidential Primary election and declares,
47 by resolution, that the Western States Presidential Primary election will be held electronically
48 under Section **20A-9-802**, the Western States Presidential Primary election shall be held on a
49 date designated by the lieutenant governor that is earlier than the scheduled date for any
50 meeting, caucus, primary, vote, or other method used in any other state or territory of the
51 United States that constitutes the first determining stage of selecting a presidential nominee.

52 [~~(ii)~~] (2) A political party may participate in a regular primary election for the office of
53 President of the United States only if there is no Western States Presidential Primary election in
54 that year.

55 [~~(b)~~] (3) Except as otherwise specifically provided in this chapter, county clerks shall
56 administer the Western States Presidential Primary according to the provisions of Title 20A,
57 Election Code, including:

58 [~~(i)~~] (a) Title 20A, Chapter 1, General Provisions;

59 ~~[(ii)]~~ (b) Title 20A, Chapter 2, Voter Registration;
 60 ~~[(iii)]~~ (c) Title 20A, Chapter 3, Voting;
 61 ~~[(iv)]~~ (d) Title 20A, Chapter 4, Election Returns and Election Contests;
 62 ~~[(v)]~~ (e) Title 20A, Chapter 5, Election Administration; and
 63 ~~[(vi)]~~ (f) Title 20A, Chapter 6, Ballot Form.

64 ~~[(e)-(i)]~~ (4) (a) The county clerks shall ensure that the ballot voted by the voters at the
 65 Western States Presidential Primary contains only the names of candidates for President of the
 66 United States who have qualified as provided in this part.

67 ~~[(ii)]~~ (b) The county clerks may not present any other items to the voters to be voted
 68 upon at this election.

69 ~~[(2)]~~ (5) Registered political parties, and candidates for President of the United States
 70 who are affiliated with a registered political party, may participate in the Western States
 71 Presidential Primary established by this part.

72 ~~[(3)]~~ (6) As a condition for using the state's election system, each registered political
 73 party wishing to participate in Utah's Western States Presidential Primary shall:

74 (a) declare their intent to participate in the Western States Presidential Primary;

75 (b) identify one or more registered political parties whose members may vote for the
 76 registered political party's candidates and whether or not persons identified as unaffiliated with
 77 a political party may vote for the registered political party's candidates; and

78 (c) except as provided in Subsection (7), certify that information to the lieutenant
 79 governor no later than 5 p.m. on the June 30 of the year before the year in which the
 80 presidential primary will be held.

81 (7) If the Legislature makes the declaration described in Subsection (1)(b), the
 82 lieutenant governor shall change the deadline described in Subsection (6)(c), as necessary, in
 83 order to comply with the requirements of Subsection (1)(b).

84 Section 2. Section **20A-9-802.5** is enacted to read:

85 **20A-9-802.5. Utah Presidential Primary Electronic Voting Pilot Project.**

86 (1) Notwithstanding any other provision of this title, if the Legislature makes the
 87 declaration described in Subsection 20A-9-802(1)(b), the lieutenant governor shall:

88 (a) ensure that adequate measures are in place to conduct the election in an accurate
 89 and secure manner;

90 (b) ensure the confidentiality of all votes; and

91 (c) make changes to deadlines and other requirements of this title to the extent

92 necessary to fulfill the requirements of this section.

93 (2) The director of elections, within the lieutenant governor's office, may make rules to

94 ensure that a Western States Presidential Primary election that is held electronically is

95 conducted in accordance with the provisions of this section and the other provisions of this

96 chapter.

97 Section 3. Section **20A-9-803** is amended to read:

98 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

99 (1) Candidates for president of the United States who are affiliated with a registered
100 political party in Utah that has elected to participate in Utah's Western States Presidential
101 Primary and who wish to participate in the primary shall:

102 (a) except as provided in Subsection (4), file a declaration of candidacy, in person or
103 via a designated agent, with the lieutenant governor between July 1 of the year before the
104 primary election will be held and 5 p.m. on October 15 of the year before the primary election
105 will be held;

106 (b) identify the registered political party whose nomination the candidate is seeking;

107 (c) provide a letter from the registered political party certifying that the candidate may
108 participate as a candidate for that party in that party's presidential primary election; and

109 (d) pay the filing fee of \$500.

110 (2) The lieutenant governor shall develop a declaration of candidacy form for
111 presidential candidates participating in the primary.

112 (3) An agent designated to file a declaration of candidacy may not sign the form
113 described in Subsection (2).

114 (4) If the Legislature makes the declaration described in Subsection [20A-9-802\(1\)\(b\)](#),
115 the lieutenant governor shall change the dates and times described in Subsection (1)(a), as
116 necessary, in order to comply with the requirements of Subsection [20A-9-802\(1\)\(b\)](#).

117 Section 4. Section **20A-9-805** is amended to read:

118 **20A-9-805. Closed primary -- Determining party affiliation -- Changing party**
119 **affiliation.**

120 (1) If a registered political party has restricted voting for its presidential candidates as

121 authorized by Subsection 20A-9-802[(3)](6)(b), the lieutenant governor shall direct the county
122 clerks and other election officials to allow only those voters meeting the registered political
123 party's criteria to vote for that party's presidential candidates.

124 (2) (a) For each person who registers to vote on or after May 3, 1999, the county clerk
125 shall:

126 (i) record the party affiliation designated by the voter on the voter registration form as
127 the voter's party affiliation; or

128 (ii) if no political party affiliation is designated by the voter on the voter registration
129 form, record the voter's party affiliation as "unaffiliated."

130 (b) Any registered voter may designate or change the voter's political party affiliation
131 by complying with the procedures and requirements of Section 20A-2-107 or Section
132 20A-9-808.

133 Section 5. Section 20A-9-806 is amended to read:

134 **20A-9-806. Ballots.**

135 (1) The lieutenant governor, together with county clerks, suppliers of election
136 materials, and representatives of registered political parties, shall, except to the extent that the
137 following action is not necessary due to the Legislature making the declaration described in
138 Subsection 20A-9-802(1)(b):

139 (a) develop paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional
140 ballot envelopes to be used in Utah's Western States Presidential Primary;

141 (b) ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, and
142 provisional ballot envelopes comply generally with the requirements of Title 20A, Chapter 6,
143 Part 1, General Requirements for All Ballots; and

144 (c) provide voting booths, election records and supplies, and ballot boxes for each
145 voting precinct as required by Section 20A-5-403.

146 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
147 Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant
148 governor, together with county clerks, suppliers of election materials, and representatives of
149 registered political parties shall ensure that the paper ballots, ballot labels, ballot sheets,
150 electronic ballots, provisional ballot envelopes, and voting booths, election records and
151 supplies, and ballot boxes:

- 152 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;
153 (ii) simplify the task of poll workers, particularly in determining a voter's party
154 affiliation;
155 (iii) minimize the possibility of spoiled ballots due to voter confusion; and
156 (iv) protect against fraud.
- 157 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
158 county clerks, suppliers of election materials, and representatives of registered political parties
159 shall:
- 160 (i) mark, prepunch, or otherwise identify ballot sheets as being for a particular
161 registered political party; and
- 162 (ii) instruct persons counting the ballots to count only those votes for candidates from
163 the registered political party whose ballot the voter received.
- 164 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor,
165 county clerks, suppliers of election materials, and representatives of registered political parties
166 may:
- 167 (i) notwithstanding the requirements of Sections [20A-6-101](#) and [20A-6-102](#), use
168 different colored ballot sheets for each registered political party;
- 169 (ii) place ballot labels or ballots for each registered political party in different voting
170 booths and direct voters to the particular voting booth for the political party whose ballot they
171 are voting; or
- 172 (iii) consider other means of accomplishing the objectives outlined in Subsection
173 (2)(a).

Legislative Review Note
as of **2-25-14 11:55 AM**

Office of Legislative Research and General Counsel