

PRESIDENTIAL PRIMARY AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Patrice M. Arent

LONG TITLE

General Description:

This bill amends provisions related to a presidential primary election.

Highlighted Provisions:

This bill:

- ▶ requires a presidential primary election to be held;
- ▶ amends the date on which a presidential primary election is held;
- ▶ amends deadlines associated with a presidential primary election;
- ▶ eliminates provisions that allow a presidential primary election to be held on the date of a regular primary election; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-14-203, as last amended by Laws of Utah 2013, Chapter 415

20A-1-102, as last amended by Laws of Utah 2018, Chapters 187 and 274

20A-1-201.5, as last amended by Laws of Utah 2015, Chapters 296 and 352

20A-1-204, as last amended by Laws of Utah 2015, Chapters 111 and 352

20A-2-101, as last amended by Laws of Utah 2018, Chapter 223

20A-2-107, as last amended by Laws of Utah 2015, Chapter 394

- 30 **20A-2-107.5**, as last amended by Laws of Utah 2008, Chapter 329
- 31 **20A-3-101**, as last amended by Laws of Utah 2017, Chapter 181
- 32 **20A-3-101.5**, as enacted by Laws of Utah 2018, Chapter 223
- 33 **20A-3-104.5**, as last amended by Laws of Utah 2011, Chapter 335
- 34 **20A-3-202**, as last amended by Laws of Utah 2018, Chapters 195 and 274
- 35 **20A-3-304**, as last amended by Laws of Utah 2018, Chapter 206
- 36 **20A-4-304**, as last amended by Laws of Utah 2018, Chapter 187
- 37 **20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 38 **20A-5-102**, as last amended by Laws of Utah 2003, Chapter 116
- 39 **20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45
- 40 **20A-5-601**, as last amended by Laws of Utah 2014, Chapters 31 and 391
- 41 **20A-9-201**, as last amended by Laws of Utah 2018, Chapter 11
- 42 **20A-9-202.5**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 43 **20A-9-403**, as last amended by Laws of Utah 2018, Chapter 80
- 44 **20A-9-801**, as enacted by Laws of Utah 1999, Chapter 22
- 45 **20A-9-802**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 46 **20A-9-803**, as last amended by Laws of Utah 2013, Chapter 317
- 47 **20A-9-805**, as enacted by Laws of Utah 1999, Chapter 22
- 48 **20A-9-806**, as last amended by Laws of Utah 2006, Chapter 326
- 49 **20A-9-807**, as enacted by Laws of Utah 1999, Chapter 22
- 50 **20A-9-808**, as repealed and reenacted by Laws of Utah 2008, Chapter 329
- 51 **20A-9-809**, as last amended by Laws of Utah 2008, Chapter 329

52 RENUMBERS AND AMENDS:

- 53 **20A-9-802.5**, (Renumbered from 20A-9-810, as enacted by Laws of Utah 2017,
- 54 Chapter 250)

55 REPEALS:

- 56 **20A-9-804**, as last amended by Laws of Utah 2008, Chapter 329

57

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

59 Section 1. Section **11-14-203** is amended to read:

60 **11-14-203. Time for election -- Equipment -- Election officials -- Combining**
61 **precincts.**

62 (1) (a) The local political subdivision shall ensure that bond elections are conducted
63 and administered according to the procedures set forth in this chapter and the sections of the
64 Election Code specifically referenced by this chapter.

65 (b) When a local political subdivision complies with those procedures, there is a
66 presumption that the bond election was properly administered.

67 (2) (a) A bond election may be held, and the proposition for the issuance of bonds may
68 be submitted, on the same date as the regular general election, the municipal general election
69 held in the local political subdivision calling the bond election, or at a special election called
70 for the purpose on a date authorized by Section [20A-1-204](#).

71 (b) A bond election may not be held, nor a proposition for issuance of bonds be
72 submitted, at the [~~Western States Presidential Primary election established in Title 20A,~~
73 ~~Chapter 9, Part 8, Western States Presidential Primary~~] presidential primary election held under
74 Title 20A, Chapter 9, Part 8, Presidential Primary Election.

75 (3) (a) The bond election shall be conducted and administered by the election officer
76 designated in Sections [20A-1-102](#) and [20A-5-400.5](#).

77 (b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part
78 4, Election Officer's Duties.

79 (ii) The publishing requirement under Subsection [20A-5-405\(1\)\(j\)\(iii\)](#) does not apply
80 when notice of a bond election has been provided according to the requirements of Section
81 [11-14-202](#).

82 (c) The hours during which the polls are to be open shall be consistent with Section
83 [20A-1-302](#).

84 (d) The appointment and duties of election judges shall be governed by Title 20A,
85 Chapter 5, Part 6, Poll Workers.

86 (e) General voting procedures shall be conducted according to the requirements of Title
87 20A, Chapter 3, Voting.

88 (f) The designation of election crimes and offenses, and the requirements for the
89 prosecution and adjudication of those crimes and offenses are set forth in Title 20A, Election
90 Code.

91 (4) When a bond election is being held on a day when no other election is being held in
92 the local political subdivision calling the bond election, voting precincts may be combined for
93 purposes of bond elections so long as no voter is required to vote outside the county in which
94 the voter resides.

95 (5) When a bond election is being held on the same day as any other election held in a
96 local political subdivision calling the bond election, or in some part of that local political
97 subdivision, the polling places and election officials serving for the other election may also
98 serve as the polling places and election officials for the bond election, so long as no voter is
99 required to vote outside the county in which the voter resides.

100 Section 2. Section **20A-1-102** is amended to read:

101 **20A-1-102. Definitions.**

102 As used in this title:

103 (1) "Active voter" means a registered voter who has not been classified as an inactive
104 voter by the county clerk.

105 (2) "Automatic tabulating equipment" means apparatus that automatically examines
106 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

107 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
108 upon which a voter records the voter's votes.

109 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
110 envelopes.

111 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

112 (a) contain the names of offices and candidates and statements of ballot propositions to
113 be voted on; and

114 (b) are used in conjunction with ballot sheets that do not display that information.

115 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
116 on the ballot for their approval or rejection including:

117 (a) an opinion question specifically authorized by the Legislature;

118 (b) a constitutional amendment;

119 (c) an initiative;

120 (d) a referendum;

121 (e) a bond proposition;

122 (f) a judicial retention question;

123 (g) an incorporation of a city or town; or

124 (h) any other ballot question specifically authorized by the Legislature.

125 (6) "Ballot sheet":

126 (a) means a ballot that:

127 (i) consists of paper or a card where the voter's votes are marked or recorded; and

128 (ii) can be counted using automatic tabulating equipment; and

129 (b) includes punch card ballots and other ballots that are machine-countable.

130 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
131 together with a staple or stitch in at least three places across the top of the paper in the blank
132 space reserved for securing the paper.

133 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
134 [20A-4-306](#) to canvass election returns.

135 (9) "Bond election" means an election held for the purpose of approving or rejecting
136 the proposed issuance of bonds by a government entity.

137 (10) "Book voter registration form" means voter registration forms contained in a
138 bound book that are used by election officers and registration agents to register persons to vote.

139 (11) "Business reply mail envelope" means an envelope that may be mailed free of
140 charge by the sender.

141 (12) "By-mail voter registration form" means a voter registration form designed to be

142 completed by the voter and mailed to the election officer.

143 (13) "Canvass" means the review of election returns and the official declaration of
144 election results by the board of canvassers.

145 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
146 the canvass.

147 (15) "Contracting election officer" means an election officer who enters into a contract
148 or interlocal agreement with a provider election officer.

149 (16) "Convention" means the political party convention at which party officers and
150 delegates are selected.

151 (17) "Counting center" means one or more locations selected by the election officer in
152 charge of the election for the automatic counting of ballots.

153 (18) "Counting judge" means a poll worker designated to count the ballots during
154 election day.

155 (19) "Counting room" means a suitable and convenient private place or room,
156 immediately adjoining the place where the election is being held, for use by the poll workers
157 and counting judges to count ballots during election day.

158 (20) "County officers" means those county officers that are required by law to be
159 elected.

160 (21) "Date of the election" or "election day" or "day of the election":

161 (a) means the day that is specified in the calendar year as the day that the election
162 occurs; and

163 (b) does not include:

164 (i) deadlines established for absentee voting; or

165 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
166 Voting.

167 (22) "Elected official" means:

168 (a) a person elected to an office under Section 20A-1-303 or [~~Title 20A,~~] Chapter 4,
169 Part 6, Municipal Alternate Voting Methods Pilot Project;

170 (b) a person who is considered to be elected to a municipal office in accordance with
171 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

172 (c) a person who is considered to be elected to a local district office in accordance with
173 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

174 (23) "Election" means a regular general election, a municipal general election, a
175 statewide special election, a local special election, a regular primary election, a municipal
176 primary election, and a local district election.

177 (24) "Election Assistance Commission" means the commission established by the Help
178 America Vote Act of 2002, Pub. L. No. 107-252.

179 (25) "Election cycle" means the period beginning on the first day persons are eligible to
180 file declarations of candidacy and ending when the canvass is completed.

181 (26) "Election judge" means a poll worker that is assigned to:

- 182 (a) preside over other poll workers at a polling place;
- 183 (b) act as the presiding election judge; or
- 184 (c) serve as a canvassing judge, counting judge, or receiving judge.

185 (27) "Election officer" means:

- 186 (a) the lieutenant governor, for all statewide ballots and elections;
- 187 (b) the county clerk for:
 - 188 (i) a county ballot and election; and
 - 189 (ii) a ballot and election as a provider election officer as provided in Section
- 190 [20A-5-400.1](#) or [20A-5-400.5](#);

191 (c) the municipal clerk for:

- 192 (i) a municipal ballot and election; and
- 193 (ii) a ballot and election as a provider election officer as provided in Section
- 194 [20A-5-400.1](#) or [20A-5-400.5](#);

195 (d) the local district clerk or chief executive officer for:

- 196 (i) a local district ballot and election; and
- 197 (ii) a ballot and election as a provider election officer as provided in Section

198 [20A-5-400.1](#) or [20A-5-400.5](#); or

199 (e) the business administrator or superintendent of a school district for:

200 (i) a school district ballot and election; and

201 (ii) a ballot and election as a provider election officer as provided in Section

202 [20A-5-400.1](#) or [20A-5-400.5](#).

203 (28) "Election official" means any election officer, election judge, or poll worker.

204 (29) "Election results" means:

205 (a) for an election other than a bond election, the count of votes cast in the election and
206 the election returns requested by the board of canvassers; or

207 (b) for bond elections, the count of those votes cast for and against the bond
208 proposition plus any or all of the election returns that the board of canvassers may request.

209 (30) "Election returns" includes the pollbook, the military and overseas absentee voter
210 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
211 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
212 form, and the total votes cast form.

213 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
214 device or other voting device that records and stores ballot information by electronic means.

215 (32) "Electronic signature" means an electronic sound, symbol, or process attached to
216 or logically associated with a record and executed or adopted by a person with the intent to sign
217 the record.

218 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.

219 (b) "Electronic voting device" includes a direct recording electronic voting device.

220 (34) "Inactive voter" means a registered voter who is listed as inactive by a county
221 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).

222 (35) "Judicial office" means the office filled by any judicial officer.

223 (36) "Judicial officer" means any justice or judge of a court of record or any county
224 court judge.

225 (37) "Local district" means a local government entity under Title 17B, Limited Purpose

226 Local Government Entities - Local Districts, and includes a special service district under Title
227 17D, Chapter 1, Special Service District Act.

228 (38) "Local district officers" means those local district board members that are required
229 by law to be elected.

230 (39) "Local election" means a regular county election, a regular municipal election, a
231 municipal primary election, a local special election, a local district election, and a bond
232 election.

233 (40) "Local political subdivision" means a county, a municipality, a local district, or a
234 local school district.

235 (41) "Local special election" means a special election called by the governing body of a
236 local political subdivision in which all registered voters of the local political subdivision may
237 vote.

238 (42) "Municipal executive" means:

239 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

240 (b) the mayor in the council-manager form of government defined in Subsection
241 10-3b-103(7); or

242 (c) the chair of a metro township form of government defined in Section 10-3b-102.

243 (43) "Municipal general election" means the election held in municipalities and, as
244 applicable, local districts on the first Tuesday after the first Monday in November of each
245 odd-numbered year for the purposes established in Section 20A-1-202.

246 (44) "Municipal legislative body" means:

247 (a) the council of the city or town in any form of municipal government; or

248 (b) the council of a metro township.

249 (45) "Municipal office" means an elective office in a municipality.

250 (46) "Municipal officers" means those municipal officers that are required by law to be
251 elected.

252 (47) "Municipal primary election" means an election held to nominate candidates for
253 municipal office.

254 (48) "Municipality" means a city, town, or metro township.

255 (49) "Official ballot" means the ballots distributed by the election officer to the poll
256 workers to be given to voters to record their votes.

257 (50) "Official endorsement" means:

258 (a) the information on the ballot that identifies:

259 (i) the ballot as an official ballot;

260 (ii) the date of the election; and

261 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
262 facsimile signature required by Subsection [20A-6-401\(1\)\(a\)\(iii\)](#); or

263 (B) for a ballot prepared by a county clerk, the words required by Subsection
264 [20A-6-301\(1\)\(b\)\(iii\)](#); and

265 (b) the information on the ballot stub that identifies:

266 (i) the poll worker's initials; and

267 (ii) the ballot number.

268 (51) "Official register" means the official record furnished to election officials by the
269 election officer that contains the information required by Section [20A-5-401](#).

270 (52) "Paper ballot" means a paper that contains:

271 (a) the names of offices and candidates and statements of ballot propositions to be
272 voted on; and

273 (b) spaces for the voter to record the voter's vote for each office and for or against each
274 ballot proposition.

275 (53) "Political party" means an organization of registered voters that has qualified to
276 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
277 and Procedures.

278 (54) (a) "Poll worker" means a person assigned by an election official to assist with an
279 election, voting, or counting votes.

280 (b) "Poll worker" includes election judges.

281 (c) "Poll worker" does not include a watcher.

282 (55) "Pollbook" means a record of the names of voters in the order that they appear to
283 cast votes.

284 (56) "Polling place" means the building where voting is conducted.

285 (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
286 in which the voter marks the voter's choice.

287 (58) "Presidential Primary Election" means the election established in Chapter 9, Part
288 8, Presidential Primary Election.

289 [~~(58)~~] (59) "Primary convention" means the political party conventions held during the
290 year of the regular general election.

291 [~~(59)~~] (60) "Protective counter" means a separate counter, which cannot be reset, that:

292 (a) is built into a voting machine; and

293 (b) records the total number of movements of the operating lever.

294 [~~(60)~~] (61) "Provider election officer" means an election officer who enters into a
295 contract or interlocal agreement with a contracting election officer to conduct an election for
296 the contracting election officer's local political subdivision in accordance with Section
297 [20A-5-400.1](#).

298 [~~(61)~~] (62) "Provisional ballot" means a ballot voted provisionally by a person:

299 (a) whose name is not listed on the official register at the polling place;

300 (b) whose legal right to vote is challenged as provided in this title; or

301 (c) whose identity was not sufficiently established by a poll worker.

302 [~~(62)~~] (63) "Provisional ballot envelope" means an envelope printed in the form
303 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
304 information to verify a person's legal right to vote.

305 [~~(63)~~] (64) "Qualify" or "qualified" means to take the oath of office and begin
306 performing the duties of the position for which the person was elected.

307 [~~(64)~~] (65) "Receiving judge" means the poll worker that checks the voter's name in the
308 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
309 after the voter has voted.

310 ~~[(65)]~~ (66) "Registration form" means a book voter registration form and a by-mail
311 voter registration form.

312 ~~[(66)]~~ (67) "Regular ballot" means a ballot that is not a provisional ballot.

313 ~~[(67)]~~ (68) "Regular general election" means the election held throughout the state on
314 the first Tuesday after the first Monday in November of each even-numbered year for the
315 purposes established in Section 20A-1-201.

316 ~~[(68)]~~ (69) "Regular primary election" means the election on the fourth Tuesday of
317 June of each even-numbered year, to nominate candidates of political parties and candidates for
318 nonpartisan local school board positions to advance to the regular general election.

319 ~~[(69)]~~ (70) "Resident" means a person who resides within a specific voting precinct in
320 Utah.

321 ~~[(70)]~~ (71) "Sample ballot" means a mock ballot similar in form to the official ballot
322 printed and distributed as provided in Section 20A-5-405.

323 ~~[(71)]~~ (72) "Scratch vote" means to mark or punch the straight party ticket and then
324 mark or punch the ballot for one or more candidates who are members of different political
325 parties or who are unaffiliated.

326 ~~[(72)]~~ (73) "Secrecy envelope" means the envelope given to a voter along with the
327 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
328 secrecy of the voter's vote.

329 ~~[(73)]~~ (74) "Special election" means an election held as authorized by Section
330 20A-1-203.

331 ~~[(74)]~~ (75) "Spoiled ballot" means each ballot that:

332 (a) is spoiled by the voter;

333 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

334 (c) lacks the official endorsement.

335 ~~[(75)]~~ (76) "Statewide special election" means a special election called by the governor
336 or the Legislature in which all registered voters in Utah may vote.

337 ~~[(76)]~~ (77) "Stub" means the detachable part of each ballot.

338 [~~(77)~~] (78) "Substitute ballots" means replacement ballots provided by an election
339 officer to the poll workers when the official ballots are lost or stolen.

340 [~~(78)~~] (79) "Ticket" means a list of:

- 341 (a) political parties;
- 342 (b) candidates for an office; or
- 343 (c) ballot propositions.

344 [~~(79)~~] (80) "Transfer case" means the sealed box used to transport voted ballots to the
345 counting center.

346 [~~(80)~~] (81) "Vacancy" means the absence of a person to serve in any position created
347 by statute, whether that absence occurs because of death, disability, disqualification,
348 resignation, or other cause.

349 [~~(81)~~] (82) "Valid voter identification" means:

350 (a) a form of identification that bears the name and photograph of the voter which may
351 include:

- 352 (i) a currently valid Utah driver license;
- 353 (ii) a currently valid identification card that is issued by:
 - 354 (A) the state; or
 - 355 (B) a branch, department, or agency of the United States;
- 356 (iii) a currently valid Utah permit to carry a concealed weapon;
- 357 (iv) a currently valid United States passport; or
- 358 (v) a currently valid United States military identification card;

359 (b) one of the following identification cards, whether or not the card includes a
360 photograph of the voter:

- 361 (i) a valid tribal identification card;
- 362 (ii) a Bureau of Indian Affairs card; or
- 363 (iii) a tribal treaty card; or

364 (c) two forms of identification not listed under Subsection [~~(81)~~] (82)(a) or (b) but that
365 bear the name of the voter and provide evidence that the voter resides in the voting precinct,

366 which may include:

- 367 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 368 election;
- 369 (ii) a bank or other financial account statement, or a legible copy thereof;
- 370 (iii) a certified birth certificate;
- 371 (iv) a valid social security card;
- 372 (v) a check issued by the state or the federal government or a legible copy thereof;
- 373 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 374 (vii) a currently valid Utah hunting or fishing license;
- 375 (viii) certified naturalization documentation;
- 376 (ix) a currently valid license issued by an authorized agency of the United States;
- 377 (x) a certified copy of court records showing the voter's adoption or name change;
- 378 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 379 (xii) a currently valid identification card issued by:
 - 380 (A) a local government within the state;
 - 381 (B) an employer for an employee; or
 - 382 (C) a college, university, technical school, or professional school located within the
 - 383 state; or
 - 384 (xiii) a current Utah vehicle registration.

385 [~~82~~] (83) "Valid write-in candidate" means a candidate who has qualified as a
386 write-in candidate by following the procedures and requirements of this title.

387 [~~83~~] (84) "Voter" means a person who:

- 388 (a) meets the requirements for voting in an election;
- 389 (b) meets the requirements of election registration;
- 390 (c) is registered to vote; and
- 391 (d) is listed in the official register book.

392 [~~84~~] (85) "Voter registration deadline" means the registration deadline provided in
393 Section [20A-2-102.5](#).

394 [(85)] (86) "Voting area" means the area within six feet of the voting booths, voting
395 machines, and ballot box.

396 [(86)] (87) "Voting booth" means:

397 (a) the space or compartment within a polling place that is provided for the preparation
398 of ballots, including the voting machine enclosure or curtain; or

399 (b) a voting device that is free standing.

400 [(87)] (88) "Voting device" means:

401 (a) an apparatus in which ballot sheets are used in connection with a punch device for
402 piercing the ballots by the voter;

403 (b) a device for marking the ballots with ink or another substance;

404 (c) an electronic voting device or other device used to make selections and cast a ballot
405 electronically, or any component thereof;

406 (d) an automated voting system under Section 20A-5-302; or

407 (e) any other method for recording votes on ballots so that the ballot may be tabulated
408 by means of automatic tabulating equipment.

409 [(88)] (89) "Voting machine" means a machine designed for the sole purpose of
410 recording and tabulating votes cast by voters at an election.

411 [(89)] (90) "Voting precinct" means the smallest voting unit established as provided by
412 law within which qualified voters vote at one polling place.

413 [(90)] (91) "Watcher" means an individual who complies with the requirements
414 described in Section 20A-3-201 to become a watcher for an election.

415 ~~[(91) "Western States Presidential Primary" means the election established in Chapter~~
416 ~~9, Part 8, Western States Presidential Primary.]~~

417 (92) "Write-in ballot" means a ballot containing any write-in votes.

418 (93) "Write-in vote" means a vote cast for a person whose name is not printed on the
419 ballot according to the procedures established in this title.

420 Section 3. Section 20A-1-201.5 is amended to read:

421 **20A-1-201.5. Primary election dates.**

422 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
423 of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or
424 20A-9-408, as applicable, to nominate persons for:

- 425 (a) national, state, school board, and county offices; and
- 426 (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

427 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
428 following the first Monday in August before the regular municipal election to nominate persons
429 for municipal offices.

430 ~~[(3) If the Legislature makes an appropriation for a Western States Presidential Primary~~
431 ~~election, the Western States Presidential Primary]~~

432 (3) A presidential primary election shall be held throughout the state on the first
433 Tuesday in ~~[February]~~ March in the year in which a presidential election will be held.

434 Section 4. Section 20A-1-204 is amended to read:

435 **20A-1-204. Date of special election -- Legal effect.**

436 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
437 legislative body of a local political subdivision calling a statewide special election or local
438 special election under Section 20A-1-203 shall schedule the special election to be held on:

- 439 (i) the fourth Tuesday in June; or
- 440 (ii) the first Tuesday after the first Monday in November.

441 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
442 body of a local political subdivision calling a statewide special election or local special election
443 under Section 20A-1-203 may not schedule a special election to be held on any other date.

444 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative
445 body of a local political subdivision may call a local special election on a date other than those
446 specified in this section if the legislative body:

- 447 (A) determines and declares that there is a disaster, as defined in Section 53-2a-102,
448 requiring that a special election be held on a date other than the ones authorized in statute;
- 449 (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102,

450 and the reasons for holding the special election on that other date; and

451 (C) votes unanimously to hold the special election on that other date.

452 (ii) The legislative body of a local political subdivision may not ~~call~~ hold a local
453 special election ~~[for the date established in Chapter 9, Part 8, Western States Presidential~~
454 ~~Primary, for Utah's Western States Presidential Primary]~~ on the same date as the presidential
455 primary election conducted under Chapter 9, Part 8, Presidential Primary Election.

456 (d) The legislative body of a local political subdivision may only call a special election
457 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after
458 the first Monday in November.

459 (e) Nothing in this section prohibits:

460 (i) the governor or Legislature from submitting a matter to the voters at the regular
461 general election if authorized by law; or

462 (ii) a local government from submitting a matter to the voters at the regular municipal
463 election if authorized by law.

464 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
465 special election within a county on the same day as:

466 (i) another special election;

467 (ii) a regular general election; or

468 (iii) a municipal general election.

469 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

470 (i) polling places;

471 (ii) ballots;

472 (iii) election officials; and

473 (iv) other administrative and procedural matters connected with the election.

474 Section 5. Section **20A-2-101** is amended to read:

475 **20A-2-101. Eligibility for registration.**

476 (1) Except as provided in Subsection (2), an individual may register to vote in an
477 election who:

- 478 (a) is a citizen of the United States;
- 479 (b) has been a resident of Utah for at least the 30 days immediately before the election;
- 480 (c) will be:
- 481 (i) at least 18 years of age on the day of the election; or
- 482 (ii) if the election is a regular primary election, a municipal primary election, or a
- 483 ~~[Western States Presidential Primary]~~ presidential primary election:
- 484 (A) 17 years of age on or before the day of the regular primary election, municipal
- 485 primary election, or ~~[Western States Presidential Primary]~~ presidential primary election; and
- 486 (B) 18 years of age on or before the day of the general election that immediately
- 487 follows the regular primary election, municipal primary election, or ~~[Western States~~
- 488 ~~Presidential Primary]~~ presidential primary election; and
- 489 (d) currently resides within the voting district or precinct in which the individual
- 490 applies to register to vote.
- 491 (2) (a) (i) An individual who is involuntarily confined or incarcerated in a jail, prison,
- 492 or other facility within a voting precinct is not a resident of that voting precinct and may not
- 493 register to vote in that voting precinct unless the individual was a resident of that voting
- 494 precinct before the confinement or incarceration.
- 495 (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a
- 496 resident of the voting precinct in which the individual resided before the confinement or
- 497 incarceration.
- 498 (b) An individual who has been convicted of a felony or a misdemeanor for an offense
- 499 under this title may not register to vote or remain registered to vote unless the individual's right
- 500 to vote has been restored as provided in Section [20A-2-101.3](#) or [20A-2-101.5](#).
- 501 (c) An individual whose right to vote has been restored, as provided in Section
- 502 [20A-2-101.3](#) or [20A-2-101.5](#), is eligible to register to vote.
- 503 (3) An individual who is eligible to vote and who resides within the geographic
- 504 boundaries of the entity in which the election is held may register to vote in a:
- 505 (a) regular general election;

- 506 (b) regular primary election;
- 507 (c) municipal general election;
- 508 (d) municipal primary election;
- 509 (e) statewide special election;
- 510 (f) local special election;
- 511 (g) local district election;
- 512 (h) bond election; and
- 513 (i) [~~Western States Presidential Primary~~] presidential primary election.

514 Section 6. Section **20A-2-107** is amended to read:

515 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

516 (1) The county clerk shall:

517 (a) record the party affiliation designated by the voter on the voter registration form as
518 the voter's party affiliation; or

519 (b) if no political party affiliation is designated by the voter on the voter registration
520 form:

521 (i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the
522 party that the voter designated the last time that the voter designated a party on a voter
523 registration form, unless the voter more recently registered as "unaffiliated"; or

524 (ii) record the voter's party affiliation as "unaffiliated" if the voter:

525 (A) did not previously designate a party;

526 (B) most recently designated the voter's party affiliation as "unaffiliated"; or

527 (C) did not previously register.

528 (2) (a) Any registered voter may designate or change the voter's political party
529 affiliation by complying with the procedures and requirements of this Subsection (2).

530 (b) A registered voter may designate or change the voter's political party affiliation by
531 filing a signed form with the county clerk that identifies the registered political party with
532 which the voter chooses to affiliate, during any period except the following:

533 (i) the period beginning on the day after the voter registration deadline and continuing

534 through the date of the regular primary election; and

535 (ii) the period beginning on the day after the voter registration deadline and continuing
536 through the date of the [~~Western States Presidential Primary~~] presidential primary election.

537 Section 7. Section **20A-2-107.5** is amended to read:

538 **20A-2-107.5. Designating or changing party affiliation -- Regular primary**
539 **election and presidential primary election.**

540 (1) At any regular primary election or [~~the Western States Presidential Primary~~]
541 presidential primary election:

542 (a) each county clerk shall provide change of party affiliation forms to the poll workers
543 for each voting precinct within the county; and

544 (b) any registered voter who is classified as "unaffiliated" may affiliate with a political
545 party by completing the form and giving it to the poll worker.

546 (2) An unaffiliated voter who affiliates with a political party as provided in Subsection
547 (1)(b) may vote in that party's primary election.

548 Section 8. Section **20A-3-101** is amended to read:

549 **20A-3-101. Residency and age requirements of voters.**

550 (1) [~~A person~~] An individual may vote in any regular general election or statewide
551 special election if that [~~person~~] individual has registered to vote in accordance with [~~Title~~
552 ~~20A,~~] Chapter 2, Voter Registration.

553 (2) [~~A person~~] An individual may vote in the [~~Western States Presidential Primary~~]
554 presidential primary election or a regular primary election if:

555 (a) that [~~person~~] individual has registered to vote in accordance with [~~Title 20A,~~]
556 Chapter 2, Voter Registration; and

557 (b) that [~~person's~~] individual's political party affiliation, or unaffiliated status, allows
558 the person to vote in the election.

559 (3) [~~A person~~] An individual may vote in a municipal general election, municipal
560 primary election, local special election, local district election, and bond election if that [~~person~~]
561 individual:

562 (a) has registered to vote in accordance with [~~Title 20A,~~] Chapter 2, Voter
563 Registration; and

564 (b) is a resident of a voting district or precinct within the local entity that is holding the
565 election.

566 Section 9. Section **20A-3-101.5** is amended to read:

567 **20A-3-101.5. Age requirements for primary elections -- 17-year-olds may vote.**

568 An individual who is 17 years of age may vote in a regular primary election, a
569 municipal primary election, or a [~~Western States Presidential Primary~~] presidential primary
570 election, if:

571 (1) the individual will be 18 years of age on or before the day of the general election
572 that immediately follows the regular primary election, municipal primary election, or [~~Western~~
573 ~~States Presidential Primary~~] presidential primary election;

574 (2) the individual is registered to vote in accordance with Chapter 2, Voter
575 Registration;

576 (3) the individual's political party affiliation, or unaffiliated status, allows the
577 individual to vote in the election; and

578 (4) the individual otherwise complies with the requirements to vote in the primary
579 election.

580 Section 10. Section **20A-3-104.5** is amended to read:

581 **20A-3-104.5. Voting -- Regular primary election and presidential primary**
582 **election.**

583 (1) (a) Any registered voter desiring to vote at the regular primary election or [~~Utah's~~
584 ~~Western States Presidential Primary~~] presidential primary election shall give the voter's name,
585 the name of the registered political party whose ballot the voter wishes to vote, and, if
586 requested, the voter's residence, to one of the poll workers.

587 (b) The voter shall present valid voter identification to one of the poll workers.

588 (c) (i) The poll worker shall follow the procedures and requirements of Section
589 **20A-3-105.5** if:

590 (A) the poll worker is not satisfied that the voter presented valid voter identification; or

591 (B) the voter's right to vote is challenged under Section 20A-3-202.

592 (ii) The poll worker shall notify a voter casting a provisional ballot under Section
593 20A-3-105.5 because of failure to present valid voter identification that the voter has until the
594 close of normal office hours on Monday after the day of the election to:

595 (A) present valid voter identification to the county clerk at the county clerk's office; or

596 (B) an election officer who is administering the election.

597 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official
598 register shall check the official register to determine:

599 (A) whether or not the person is registered to vote; and

600 (B) whether or not the voter's party affiliation designation in the official register allows
601 the voter to vote the ballot that the voter requested.

602 (ii) If the official register does not affirmatively identify the voter as being affiliated
603 with a registered political party or if the official register identifies the voter as being
604 "unaffiliated," the voter shall be considered to be "unaffiliated."

605 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
606 the official register, the poll worker shall follow the procedures and requirements of Section
607 20A-3-105.5.

608 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall
609 attempt to contact the county clerk's office to request oral verification of the voter's registration.

610 (B) If oral verification is received from the county clerk's office, the poll worker shall:

611 (I) record the verification on the official register;

612 (II) determine the voter's party affiliation and the ballot that the voter is qualified to
613 vote; and

614 (III) perform the other administrative steps required by Subsection (3).

615 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
616 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
617 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot

618 or ballots that the voter's party affiliation does allow the voter to vote.

619 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
620 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
621 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
622 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
623 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
624 remain "unaffiliated."

625 (B) If the voter wishes to vote another registered political party ballot that the
626 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
627 (3).

628 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
629 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the
630 voter may not vote.

631 (3) If the poll worker determines that the voter is registered and eligible, under
632 Subsection (2), to vote the ballot that the voter requested and:

633 (a) if the ballot is a paper ballot or a ballot sheet:

634 (i) the poll worker in charge of the official register shall:

635 (A) write the ballot number and the name of the registered political party whose ballot
636 the voter voted opposite the name of the voter in the official register; and

637 (B) direct the voter to sign the voter's name in the election column in the official
638 register;

639 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;

640 and

641 (iii) the poll worker having charge of the ballots shall:

642 (A) endorse the voter's initials on the stub;

643 (B) check the name of the voter on the pollbook list with the number of the stub;

644 (C) hand the voter the ballot for the registered political party that the voter requested

645 and for which the voter is authorized to vote; and

- 646 (D) allow the voter to enter the voting booth; or
647 (b) if the ballot is an electronic ballot:
648 (i) the poll worker in charge of the official register shall direct the voter to sign the
649 voter's name in the official register;
650 (ii) another poll worker shall list the voter's name in the pollbook; and
651 (iii) the poll worker having charge of the ballots shall:
652 (A) provide the voter access to the electronic ballot for the registered political party
653 that the voter requested and for which the voter is authorized to vote; and
654 (B) allow the voter to vote the electronic ballot.
655 (4) Whenever the election officer is required to furnish more than one kind of official
656 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
657 voter the kind of ballot that the voter is qualified to vote.
- 658 Section 11. Section **20A-3-202** is amended to read:
659 **20A-3-202. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**
660 (1) A person may challenge an individual's eligibility to vote on any of the following
661 grounds:
662 (a) the individual is not the individual in whose name the individual tries to vote;
663 (b) the individual is not a resident of Utah;
664 (c) the individual is not a citizen of the United States;
665 (d) the individual has not or will not have resided in Utah for 30 days immediately
666 before the date of the election;
667 (e) the individual's principal place of residence is not in the voting precinct that the
668 individual claims;
669 (f) the individual's principal place of residence is not in the geographic boundaries of
670 the election area;
671 (g) the individual has already voted in the election;
672 (h) the individual is not at least 18 years of age;
673 (i) the individual has been convicted of a misdemeanor for an offense under this title

674 and the individual's right to vote in an election has not been restored under Section
675 20A-2-101.3;

676 (j) the individual is a convicted felon and the voter's right to vote in an election has not
677 been restored under Section 20A-2-101.5; or

678 (k) in a regular primary election or [~~in the Western States Presidential Primary~~]
679 presidential primary election, the individual does not meet the political party affiliation
680 requirements for the ballot the individual seeks to vote.

681 (2) A person who challenges an individual's right to vote in an election shall make the
682 challenge in accordance with:

683 (a) Section 20A-3-202.3, for a challenge that is not made in person at the time an
684 individual votes; or

685 (b) Section 20A-3-202.5, for challenges made in person at the time an individual votes.
686 Section 12. Section 20A-3-304 is amended to read:

687 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

688 (1) (a) A registered voter who wishes to vote an absentee ballot may file an absentee
689 ballot application:

690 (i) on the electronic system maintained by the lieutenant governor under Section
691 20A-2-206;

692 (ii) with the appropriate election officer for an official absentee ballot as provided in
693 this section; or

694 (iii) by answering "yes" to the question described in Subsection 20A-2-108(2)(a) when
695 registering to vote while filing a driver license or state identification card application.

696 (b) An absentee voter may vote in person at the office of the appropriate election
697 officer as provided in Section 20A-3-306.

698 (c) A person that collects a completed absentee ballot application from a registered
699 voter shall file the completed absentee ballot application with the appropriate election official
700 before the earlier of:

701 (i) 14 days after the day on which the registered voter signed the absentee ballot form;

702 or

703 (ii) the Tuesday before the next election.

704 (2) As it relates to an absentee ballot application to be filled out entirely by the voter:

705 (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer

706 shall approve an application form for absentee ballot applications:

707 (i) in substantially the following form:

708 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

709 apply for an official absentee ballot to be voted by me at the election.

710 Date _____ (month\day\year) Signed _____

711 _____
Voter"; and

712 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter

713 status:

714 (A) until the voter requests otherwise at a future date; or

715 (B) until a date specified by the voter in the application form; and

716 (b) the lieutenant governor or election officer shall approve an application form for

717 regular primary elections and for [~~the Western States Presidential Primary~~] presidential primary

718 elections:

719 (i) in substantially the following form:

720 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

721 apply for an official absentee ballot for the _____ political party to be voted by me

722 at the primary election.

723 I understand that I must be affiliated with or authorized to vote the political party's

724 ballot that I request.

725 Dated _____ (month\day\year) _____ Signed _____

726 _____
Voter"; and

727 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter

728 status:

729 (A) until the voter requests otherwise at a future date; or

730 (B) until a date specified by the voter in the application form.
731 (3) If requested by the applicant, the election officer shall:
732 (a) mail or fax the application form to the absentee voter; or
733 (b) deliver the application form to any voter who personally applies for it at the office
734 of the election officer.

735 (4) As it relates to an absentee ballot application to be filled out for, and finished and
736 signed by, a voter:

737 (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer
738 shall approve an application form for absentee ballot applications:

739 (i) in substantially the following form:

740 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
741 apply for an official absentee ballot to be voted by me at the election.

742 I understand that a person that collects this absentee ballot application is required to file
743 it with the appropriate election official before the earlier of fourteen days after the day on
744 which I sign the application or the Tuesday before the next election.

745 This form is provided by (insert name of person or organization).

746 I have verified that the information on this application is correct.

747 I understand that I will receive a ballot at the following address: (insert address and an
748 adjacent check box);

749 OR

750 I request that the ballot be mailed to the following address: (insert blank space for an
751 address and an adjacent check box).

752 Date _____ (month\day\year) Signed _____

753 Voter"; and

754 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
755 status:

756 (A) until the voter requests otherwise at a future date; or

757 (B) until a date specified by the voter in the application form; and

758 (b) the lieutenant governor or election officer shall approve an application form for
759 regular primary elections and for [~~the Western States Presidential Primary~~] presidential primary
760 elections:

761 (i) in substantially the following form:

762 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
763 apply for an official absentee ballot for the _____ political party to be voted by me
764 at the primary election.

765 I understand that I must be affiliated with or authorized to vote the political party's
766 ballot that I request. I understand that a person that collects this absentee ballot application is
767 required to file it with the appropriate election official before the earlier of fourteen days after
768 the day on which I sign the application or the Tuesday before the next primary election.

769 This form is provided by (insert name of person or organization).

770 I have verified that the information on this application is correct.

771 I understand that I will receive a ballot at the following address: (insert address and an
772 adjacent check box);

773 OR

774 I request that the ballot be mailed to the following address: (insert blank space for an
775 address and an adjacent check box).

776 Dated _____ (month/day/year) _____ Signed _____

777 Voter"; and

778 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
779 status:

780 (A) until the voter requests otherwise at a future date; or

781 (B) until a date specified by the voter in the application form.

782 (5) The forms described in Subsections (2) and (4) shall contain instructions on how a
783 voter may cancel an absentee ballot application.

784 (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by
785 absentee ballot shall file the application for an absentee ballot with the lieutenant governor or

786 appropriate election officer no later than the Tuesday before election day.

787 (7) (a) A county clerk shall establish an absentee voter list containing the name of each
788 voter who:

- 789 (i) requests absentee voter status; and
- 790 (ii) meets the requirements of this section.

791 (b) A county clerk may not remove a voter's name from the list described in Subsection
792 (7)(a) unless:

- 793 (i) the voter is no longer listed in the official register;
- 794 (ii) the voter cancels the voter's absentee status;
- 795 (iii) the voter's name is removed on the date specified by the voter on the absentee
796 ballot application form; or
- 797 (iv) the county clerk is required to remove the voter's name from the list under
798 Subsection (7)(c) or [20A-3-302\(8\)\(c\)\(ii\)](#).

799 (c) A county clerk shall remove a voter's name from the list described in Subsection
800 (7)(a) if the voter fails to vote in two consecutive regular general elections.

801 (d) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on
802 the absentee voter list.

803 (ii) The questionnaire shall allow the voter to:

- 804 (A) verify the voter's residence; or
- 805 (B) cancel the voter's absentee status.

806 (e) The clerk shall provide a copy of the absentee voter list to election officers for use
807 in elections.

808 Section 13. Section **20A-4-304** is amended to read:

809 **20A-4-304. Declaration of results -- Canvassers' report.**

810 (1) Each board of canvassers shall:

811 (a) except as provided in [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting
812 Methods Pilot Project, declare "elected" or "nominated" those persons who:

- 813 (i) had the highest number of votes; and

- 814 (ii) sought election or nomination to an office completely within the board's
815 jurisdiction;
- 816 (b) declare:
- 817 (i) "approved" those ballot propositions that:
- 818 (A) had more "yes" votes than "no" votes; and
- 819 (B) were submitted only to the voters within the board's jurisdiction;
- 820 (ii) "rejected" those ballot propositions that:
- 821 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
822 votes; and
- 823 (B) were submitted only to the voters within the board's jurisdiction;
- 824 (c) certify the vote totals for persons and for and against ballot propositions that were
825 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
826 the lieutenant governor; and
- 827 (d) if applicable, certify the results of each local district election to the local district
828 clerk.
- 829 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
830 result, which shall contain:
- 831 (i) the total number of votes cast in the board's jurisdiction;
- 832 (ii) the names of each candidate whose name appeared on the ballot;
- 833 (iii) the title of each ballot proposition that appeared on the ballot;
- 834 (iv) each office that appeared on the ballot;
- 835 (v) from each voting precinct:
- 836 (A) the number of votes for each candidate;
- 837 (B) for each race conducted by instant runoff voting under [~~Title 20A, Chapter 4,~~] Part
838 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each
839 candidate for each potential ballot-counting phase and the name of the candidate excluded in
840 each canvassing phase; and
- 841 (C) the number of votes for and against each ballot proposition;

842 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
843 for and against each ballot proposition;

844 (vii) the number of ballots that were rejected; and

845 (viii) a statement certifying that the information contained in the report is accurate.

846 (b) The election officer and the board of canvassers shall:

847 (i) review the report to ensure that it is correct; and

848 (ii) sign the report.

849 (c) The election officer shall:

850 (i) record or file the certified report in a book kept for that purpose;

851 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
852 to each nominated or elected candidate;

853 (iii) publish a copy of the certified report:

854 (A) in one or more conspicuous places within the jurisdiction;

855 (B) in a conspicuous place on the county's website; and

856 (C) in a newspaper with general circulation in the board's jurisdiction; and

857 (iv) file a copy of the certified report with the lieutenant governor.

858 (3) When there has been a regular general or a statewide special election for statewide
859 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
860 or more county ballot proposition, each board of canvassers shall:

861 (a) prepare a separate report detailing the number of votes for each candidate and the
862 number of votes for and against each ballot proposition; and

863 (b) transmit it by registered mail to the lieutenant governor.

864 (4) In each county election, municipal election, school election, local district election,
865 and local special election, the election officer shall transmit the reports to the lieutenant
866 governor within 14 days after the date of the election.

867 (5) [~~In regular primary elections and in the Western States Presidential Primary;~~] In a
868 regular primary election and in a presidential primary election, the board shall transmit to the
869 lieutenant governor:

870 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
871 governor~~[-(i)]~~ not later than the second Tuesday after the [primary] election [for the regular
872 primary election]; and

873 [~~ii~~] not later than the Tuesday following the election for the Western States
874 Presidential Primary; and]

875 (b) a complete tabulation showing voting totals for all primary races, precinct by
876 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
877 primary election.

878 Section 14. Section **20A-4-306** is amended to read:

879 **20A-4-306. Statewide canvass.**

880 (1) (a) The state board of canvassers shall convene:

881 (i) on the fourth Monday of November, at noon; or

882 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
883 returns of a statewide special election.

884 (b) The state auditor, the state treasurer, and the attorney general are the state board of
885 canvassers.

886 (c) Attendance of all members of the state board of canvassers shall be required to
887 constitute a quorum for conducting the canvass.

888 (2) (a) The state board of canvassers shall:

889 (i) meet in the lieutenant governor's office; and

890 (ii) compute and determine the vote for officers and for and against any ballot
891 propositions voted upon by the voters of the entire state or of two or more counties.

892 (b) The lieutenant governor, as secretary of the board shall file a report in his office
893 that details:

894 (i) for each statewide officer and ballot proposition:

895 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

896 (B) the candidates for each statewide office whose names appeared on the ballot, plus
897 any recorded write-in candidates;

898 (C) the number of votes from each county cast for each candidate and for and against
899 each ballot proposition;

900 (D) the total number of votes cast statewide for each candidate and for and against each
901 ballot proposition; and

902 (E) the total number of votes cast statewide; and

903 (ii) for each officer or ballot proposition voted on in two or more counties:

904 (A) the name of each of those offices and ballot propositions that appeared on the
905 ballot;

906 (B) the candidates for those offices, plus any recorded write-in candidates;

907 (C) the number of votes from each county cast for each candidate and for and against
908 each ballot proposition; and

909 (D) the total number of votes cast for each candidate and for and against each ballot
910 proposition.

911 (c) The lieutenant governor shall:

912 (i) prepare certificates of election for:

913 (A) each successful candidate; and

914 (B) each of the presidential electors of the candidate for president who received a
915 majority of the votes;

916 (ii) authenticate each certificate with his seal; and

917 (iii) deliver a certificate of election to:

918 (A) each candidate who had the highest number of votes for each office; and

919 (B) each of the presidential electors of the candidate for president who received a
920 majority of the votes.

921 (3) If the lieutenant governor has not received election returns from all counties on the
922 fifth day before the day designated for the meeting of the state board of canvassers, the
923 lieutenant governor shall:

924 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
925 county;

926 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
927 required by Section 20A-4-304 from the clerk; and

928 (c) pay the messenger the per diem provided by law as compensation.

929 (4) The state board of canvassers may not withhold the declaration of the result or any
930 certificate of election because of any defect or informality in the returns of any election if the
931 board can determine from the returns, with reasonable certainty, what office is intended and
932 who is elected to it.

933 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
934 governor shall:

935 (i) canvass the returns for all multicounty candidates required to file with the office of
936 the lieutenant governor; and

937 (ii) publish and file the results of the canvass in the lieutenant governor's office.

938 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
939 certify the results of ~~[(i)] the primary canvass~~, ~~except for the office of President of the United~~
940 ~~States,~~ to the county clerks ~~;~~ ~~and~~.

941 ~~[(ii) the primary canvass for the office of President of the United States to each~~
942 ~~registered political party that participated in the primary.]~~

943 (6) (a) At noon on the ~~[day that falls seven days after the last day on which a county~~
944 ~~canvass may occur under Section 20A-4-301 for the Western States Presidential Primary~~
945 ~~election,~~ fourth Tuesday in March of a year in which a presidential election will be held, the
946 lieutenant governor shall:

947 (i) canvass the returns of the presidential primary election; and

948 (ii) publish and file the results of the canvass in the lieutenant governor's office.

949 (b) The lieutenant governor shall certify the results of the ~~[Western States Presidential~~
950 ~~Primary]~~ presidential primary election canvass to each registered political party that
951 participated in the primary not later than the April 15 after the primary election.

952 Section 15. Section 20A-5-102 is amended to read:

953 **20A-5-102. Voting instructions.**

- 954 (1) Each election officer shall:
- 955 (a) print instruction cards for voters;
- 956 (b) ensure that the cards are printed in English in large clear type; and
- 957 (c) ensure that the cards instruct voters:
- 958 (i) about how to obtain ballots for voting;
- 959 (ii) about special political party affiliation requirements for voting in [~~the Western~~
960 ~~States Presidential Primary or in~~] a regular primary election or presidential primary election;
- 961 (iii) about how to prepare ballots for deposit in the ballot box;
- 962 (iv) about how to record write-in votes;
- 963 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
- 964 (vi) about how to obtain assistance in marking ballots;
- 965 (vii) about obtaining a new ballot if the voter's ballot is defaced;
- 966 (viii) that identification marks or the spoiling or defacing of a ballot will make it
967 invalid;
- 968 (ix) about how to obtain and vote a provisional ballot;
- 969 (x) about whom to contact to report election fraud;
- 970 (xi) about applicable federal and state laws regarding:
- 971 (A) voting rights and the appropriate official to contact if the voter alleges his rights
972 have been violated; and
- 973 (B) prohibitions on acts of fraud and misrepresentation;
- 974 (xii) about procedures governing mail-in registrants and first-time voters; and
- 975 (xiii) about the date of the election and the hours that the polls are open on election
976 day.
- 977 (2) Each election officer shall:
- 978 (a) provide the election judges of each voting precinct with sufficient instruction cards
979 to instruct voters in the preparation of their ballots;
- 980 (b) direct the election judges to post:
- 981 (i) general voting instructions in each voting booth; and

982 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about
983 the polling place.

984 Section 16. Section **20A-5-401** is amended to read:

985 **20A-5-401. Official register -- Preparation -- Contents.**

986 (1) (a) Before the registration days for each regular general, municipal general, regular
987 primary, municipal primary, or [~~Western States Presidential Primary~~] presidential primary
988 election, each county clerk shall prepare an official register of voters for each voting precinct
989 that will participate in the election.

990 (b) The county clerk shall ensure that the official register is prepared for the
991 alphabetical entry of names and contains entry fields to provide for the following information:

992 (i) registered voter's name;

993 (ii) party affiliation;

994 (iii) grounds for challenge;

995 (iv) name of person challenging a voter;

996 (v) primary, November, special;

997 (vi) date of birth;

998 (vii) place of birth;

999 (viii) place of current residence;

1000 (ix) street address;

1001 (x) zip code;

1002 (xi) identification and provisional ballot information as required under Subsection

1003 (1)(d); and

1004 (xii) space for the voter to sign his name for each election.

1005 (c) When preparing the official register for the [~~Western States Presidential Primary~~]
1006 presidential primary election, the county clerk shall include:

1007 (i) an entry field to record the name of the political party whose ballot the voter voted;

1008 and

1009 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

1010 (d) When preparing the official register for any regular general election, municipal
1011 general election, statewide special election, local special election, regular primary election,
1012 municipal primary election, local district election, or election for federal office, the county
1013 clerk shall include:

1014 (i) an entry field for the poll worker to record the type of identification provided by the
1015 voter;

1016 (ii) a column for the poll worker to record the provisional envelope ballot number for
1017 voters who receive a provisional ballot; and

1018 (iii) a space for the poll worker to record the type of identification that was provided by
1019 voters who receive a provisional ballot.

1020 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
1021 elections, local district elections, and bond elections, the county clerk shall make an official
1022 register only for voting precincts affected by the primary, municipal, local district, or bond
1023 election.

1024 (ii) If a polling place to be used in a bond election serves both voters residing in the
1025 local political subdivision calling the bond election and voters residing outside of that local
1026 political subdivision, the official register shall designate whether each voter resides in or
1027 outside of the local political subdivision.

1028 (iii) Each county clerk, with the assistance of the clerk of each affected local district,
1029 shall provide a detailed map or an indication on the registration list or other means to enable a
1030 poll worker to determine the voters entitled to vote at an election of local district officers.

1031 (b) Municipalities shall pay the costs of making the official register for municipal
1032 elections.

1033 Section 17. Section **20A-5-601** is amended to read:

1034 **20A-5-601. Poll workers -- Appointment for regular general elections, primary**
1035 **elections, and special elections.**

1036 (1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the
1037 county chair of each registered political party a list of the number of poll workers that the party

1038 must nominate for each voting precinct.

1039 (b) (i) By April 1 of each even-numbered year, the county chair and secretary of each
1040 registered political party shall file a list with the county clerk containing, for each voting
1041 precinct, the names of individuals in the county who are willing to serve as poll workers, who
1042 are qualified to serve as poll workers in accordance with this section, and who are competent
1043 and trustworthy.

1044 (ii) The county chair and secretary shall submit, for each voting precinct, names equal
1045 in number to the number required by the county clerk plus one.

1046 (2) Each county legislative body shall provide for the appointment of individuals to
1047 serve as poll workers at the regular primary election, the regular general election, the [~~Western~~
1048 ~~States Presidential Primary~~] presidential primary election, and a statewide or countywide
1049 special election.

1050 (3) For regular general elections and statewide or countywide special elections, each
1051 county legislative body shall provide for the appointment of:

1052 (a) (i) three registered voters, or one individual who is 16 or 17 years of age and two
1053 registered voters, one of whom is at least 21 years of age, from the list to serve as receiving
1054 judges for each voting precinct when ballots will be counted after the polls close; or

1055 (ii) three registered voters, or one individual who is 16 or 17 years of age and two
1056 registered voters, one of whom is at least 21 years of age, from the list to serve as receiving
1057 judges in each voting precinct and three registered voters from the list to serve as counting
1058 judges in each voting precinct when ballots will be counted throughout election day; and

1059 (b) three registered voters from the list for each 100 absentee ballots to be counted to
1060 serve as canvassing judges.

1061 (4) For each precinct in which ballots are counted after the polls close[;] in a regular
1062 primary election [~~and for the Western States Presidential Primary~~] or presidential primary
1063 election, each county legislative body shall provide for the appointment of two or three
1064 individuals from the list to serve as receiving judges:

1065 (a) each of whom is a registered voter; or

- 1066 (b) (i) the first of whom is a registered voter and is at least 21 years of age;
- 1067 (ii) the second of whom is 16 or 17 years of age; and
- 1068 (iii) if three individuals are appointed, the third of whom is a registered voter.
- 1069 (5) For each precinct in which ballots are counted throughout election day[;] in a
- 1070 regular primary election [~~and for the Western States Presidential Primary~~] or presidential
- 1071 primary election, each county legislative body shall provide for the appointment of:
- 1072 (a) two or three individuals from the list to serve as receiving judges:
- 1073 (i) each of whom is a registered voter; or
- 1074 (ii) (A) the first of whom is a registered voter and is at least 21 years of age;
- 1075 (B) the second of whom is 16 or 17 years of age; and
- 1076 (C) if three individuals are appointed, the third of whom is a registered voter; and
- 1077 (b) two or three individuals from the list to serve as counting judges:
- 1078 (i) each of whom is a registered voter; or
- 1079 (ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the
- 1080 next regular general election; and
- 1081 (B) each of the rest of whom is a registered voter; and
- 1082 (c) two or three registered voters, or one or two registered voters and one individual 17
- 1083 years of age who will be 18 years of age by the date of the next regular general election, from
- 1084 the list for each 100 absentee ballots to be counted to serve as canvassing judges.
- 1085 (6) Each county legislative body may provide for the appointment of:
- 1086 (a) three registered voters from the list to serve as inspecting judges at the regular
- 1087 general election, or a statewide or countywide special election, to observe the clerk's receipt
- 1088 and deposit of the ballots for safekeeping; and
- 1089 (b) two or three registered voters, or one or two registered voters and one individual 17
- 1090 years of age who will be 18 years of age by the date of the next regular general election, from
- 1091 the list to serve as inspecting judges at the regular primary election to observe the clerk's
- 1092 receipt and deposit of the ballots for safekeeping.
- 1093 (7) (a) For each set of three counting or receiving judges to be appointed for each

1094 voting precinct for the regular primary election, the regular general election, the [~~Western~~
1095 ~~States Presidential Primary~~] presidential primary election, or a statewide or countywide special
1096 election, the county legislative body shall ensure that:

1097 (i) two judges are appointed from the political party that cast the highest number of
1098 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1099 excluding votes for unopposed candidates, in the voting precinct at the last regular general
1100 election before the appointment of the election judges; and

1101 (ii) one judge is appointed from the political party that cast the second highest number
1102 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1103 excluding votes for unopposed candidates, in the voting precinct at the last regular general
1104 election before the appointment of the election judges.

1105 (b) For each set of two counting or receiving judges to be appointed for each voting
1106 precinct for the regular primary election and [~~Western States Presidential Primary~~] the
1107 presidential primary election, the county legislative body shall ensure that:

1108 (i) one judge is appointed from the political party that cast the highest number of votes
1109 for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding
1110 votes for unopposed candidates, in the voting precinct at the last regular general election before
1111 the appointment of the election judges; and

1112 (ii) one judge is appointed from the political party that cast the second highest number
1113 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1114 excluding votes for unopposed candidates, in the voting precinct at the last regular general
1115 election before the appointment of the election judges.

1116 (8) When the voting precinct boundaries have been changed since the last regular
1117 general election, the county legislative body shall ensure that:

1118 (a) for the regular primary election and the [~~Western States Presidential Primary~~]
1119 presidential primary election, when the county legislative body is using three receiving,
1120 counting, and canvassing judges, and regular general election, not more than two of the judges
1121 are selected from the political party that cast the highest number of votes for the offices of

1122 governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory
 1123 that formed the voting precinct at the time of appointment; and

1124 (b) for the regular primary election and the [~~Western States Presidential Primary~~]
 1125 presidential primary election, when the county legislative body is using two receiving,
 1126 counting, and canvassing judges, not more than one of the judges is selected from the political
 1127 party that cast the highest number of votes for the offices of governor, lieutenant governor,
 1128 attorney general, state auditor, and state treasurer in the territory that formed the voting precinct
 1129 at the time of appointment.

1130 (9) The county legislative body shall provide for the appointment of any qualified
 1131 county voter as an election judge when:

- 1132 (a) a political party fails to file the poll worker list by the filing deadline; or
- 1133 (b) the list is incomplete.

1134 (10) A registered voter of the county may serve as a poll worker in any voting precinct
 1135 of the county.

1136 (11) A county legislative body may not appoint a candidate's parent, sibling, spouse,
 1137 child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or
 1138 son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.

1139 (12) If an individual serves as a poll worker outside the voting precinct where the
 1140 individual is registered, that individual may vote an absentee voter ballot.

1141 (13) The county clerk shall fill all poll worker vacancies.

1142 (14) If a conflict arises over the right to certify the poll worker lists for any political
 1143 party, the county legislative body may decide between conflicting lists, but may only select
 1144 names from a properly submitted list.

1145 (15) The county legislative body shall establish compensation for poll workers.

1146 (16) The county clerk may appoint additional poll workers to serve in the polling place
 1147 as needed.

1148 Section 18. Section **20A-9-201** is amended to read:

1149 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**

1150 **more than one political party prohibited with exceptions -- General filing and form**
1151 **requirements -- Affidavit of impecuniosity.**

1152 (1) Before filing a declaration of candidacy for election to any office, an individual
1153 shall:

1154 (a) be a United States citizen;

1155 (b) meet the legal requirements of that office; and

1156 (c) if seeking a registered political party's nomination as a candidate for elective office,
1157 state:

1158 (i) the registered political party of which the individual is a member; or

1159 (ii) that the individual is not a member of a registered political party.

1160 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

1161 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
1162 Utah during any election year;

1163 (ii) appear on the ballot as the candidate of more than one political party; or

1164 (iii) file a declaration of candidacy for a registered political party of which the
1165 individual is not a member, except to the extent that the registered political party permits
1166 otherwise in the registered political party's bylaws.

1167 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
1168 president or vice president of the United States and another office, if the individual resigns the
1169 individual's candidacy for the other office after the individual is officially nominated for
1170 president or vice president of the United States.

1171 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
1172 than one justice court judge office.

1173 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
1174 the individual filed a declaration of candidacy for another office in the same election year if the
1175 individual withdraws as a candidate for the other office in accordance with Subsection
1176 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

1177 (3) (a) Except for a candidate for president or vice president of the United States,

1178 before the filing officer may accept any declaration of candidacy, the filing officer shall:

1179 (i) read to the individual the constitutional and statutory qualification requirements for
1180 the office that the individual is seeking; and

1181 (ii) require the individual to state whether the individual meets those requirements.

1182 (b) Before accepting a declaration of candidacy for the office of county attorney, the
1183 county clerk shall ensure that the individual filing that declaration of candidacy is:

1184 (i) a United States citizen;

1185 (ii) an attorney licensed to practice law in the state who is an active member in good
1186 standing of the Utah State Bar;

1187 (iii) a registered voter in the county in which the individual is seeking office; and

1188 (iv) a current resident of the county in which the individual is seeking office and either
1189 has been a resident of that county for at least one year or was appointed and is currently serving
1190 as county attorney and became a resident of the county within 30 days after appointment to the
1191 office.

1192 (c) Before accepting a declaration of candidacy for the office of district attorney, the
1193 county clerk shall ensure that, as of the date of the election, the individual filing that
1194 declaration of candidacy is:

1195 (i) a United States citizen;

1196 (ii) an attorney licensed to practice law in the state who is an active member in good
1197 standing of the Utah State Bar;

1198 (iii) a registered voter in the prosecution district in which the individual is seeking
1199 office; and

1200 (iv) a current resident of the prosecution district in which the individual is seeking
1201 office and either will have been a resident of that prosecution district for at least one year as of
1202 the date of the election or was appointed and is currently serving as district attorney and
1203 became a resident of the prosecution district within 30 days after receiving appointment to the
1204 office.

1205 (d) Before accepting a declaration of candidacy for the office of county sheriff, the

1206 county clerk shall ensure that the individual filing the declaration:

1207 (i) is a United States citizen;

1208 (ii) is a registered voter in the county in which the individual seeks office;

1209 (iii) (A) has successfully met the standards and training requirements established for

1210 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and

1211 Certification Act; or

1212 (B) has met the waiver requirements in Section [53-6-206](#);

1213 (iv) is qualified to be certified as a law enforcement officer, as defined in Section

1214 [53-13-103](#); and

1215 (v) as of the date of the election, will have been a resident of the county in which the

1216 individual seeks office for at least one year.

1217 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant

1218 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of

1219 Education member, the filing officer shall ensure:

1220 (i) that the individual filing the declaration of candidacy also files the financial

1221 disclosure required by Section [20A-11-1603](#); and

1222 (ii) if the filing officer is not the lieutenant governor, that the individual provides the

1223 financial disclosure to the lieutenant governor in accordance with Section [20A-11-1603](#).

1224 (4) If an individual who files a declaration of candidacy does not meet the qualification

1225 requirements for the office the individual is seeking, the filing officer may not accept the

1226 individual's declaration of candidacy.

1227 (5) If an individual who files a declaration of candidacy meets the requirements

1228 described in Subsection (3), the filing officer shall:

1229 (a) inform the individual that:

1230 (i) the individual's name will appear on the ballot as the individual's name is written on

1231 the individual's declaration of candidacy;

1232 (ii) the individual may be required to comply with state or local campaign finance

1233 disclosure laws; and

1234 (iii) the individual is required to file a financial statement before the individual's
1235 political convention under:

1236 (A) Section 20A-11-204 for a candidate for constitutional office;
1237 (B) Section 20A-11-303 for a candidate for the Legislature; or
1238 (C) local campaign finance disclosure laws, if applicable;

1239 (b) except for a presidential candidate, provide the individual with a copy of the current
1240 campaign financial disclosure laws for the office the individual is seeking and inform the
1241 individual that failure to comply will result in disqualification as a candidate and removal of
1242 the individual's name from the ballot;

1243 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
1244 Electronic Voter Information Website Program and inform the individual of the submission
1245 deadline under Subsection 20A-7-801(4)(a);

1246 (d) provide the candidate with a copy of the pledge of fair campaign practices
1247 described under Section 20A-9-206 and inform the candidate that:

1248 (i) signing the pledge is voluntary; and
1249 (ii) signed pledges shall be filed with the filing officer;

1250 (e) accept the individual's declaration of candidacy; and
1251 (f) if the individual has filed for a partisan office, provide a certified copy of the
1252 declaration of candidacy to the chair of the county or state political party of which the
1253 individual is a member.

1254 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
1255 officer shall:

1256 (a) accept the candidate's pledge; and
1257 (b) if the candidate has filed for a partisan office, provide a certified copy of the
1258 candidate's pledge to the chair of the county or state political party of which the candidate is a
1259 member.

1260 (7) (a) Except for a candidate for president or vice president of the United States, the
1261 form of the declaration of candidacy shall:

1262 (i) be substantially as follows:

1263 "State of Utah, County of _____

1264 I, _____, declare my candidacy for the office of _____, seeking the

1265 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to

1266 hold the office, both legally and constitutionally, if selected; I reside at _____

1267 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not

1268 knowingly violate any law governing campaigns and elections; if filing via a designated

1269 agent, I will be out of the state of Utah during the entire candidate filing period; I will

1270 file all campaign financial disclosure reports as required by law; and I understand that

1271 failure to do so will result in my disqualification as a candidate for this office and

1272 removal of my name from the ballot. The mailing address that I designate for receiving

1273 official election notices is _____.

1274 _____

1275 Subscribed and sworn before me this _____(month\day\year).

1276 Notary Public (or other officer qualified to administer oath)."; and

1277 (ii) require the candidate to state, in the sworn statement described in Subsection

1278 (7)(a)(i):

1279 (A) the registered political party of which the candidate is a member; or

1280 (B) that the candidate is not a member of a registered political party.

1281 (b) An agent designated under Subsection 20A-9-202(1)(b) to file a declaration of

1282 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

1283 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy

1284 is:

1285 (i) \$50 for candidates for the local school district board; and

1286 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the

1287 person holding the office for all other federal, state, and county offices.

1288 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

1289 any candidate:

1290 (i) who is disqualified; or
1291 (ii) who the filing officer determines has filed improperly.
1292 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
1293 from candidates.

1294 (ii) The lieutenant governor shall:
1295 (A) apportion to and pay to the county treasurers of the various counties all fees
1296 received for filing of nomination certificates or acceptances; and

1297 (B) ensure that each county receives that proportion of the total amount paid to the
1298 lieutenant governor from the congressional district that the total vote of that county for all
1299 candidates for representative in Congress bears to the total vote of all counties within the
1300 congressional district for all candidates for representative in Congress.

1301 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
1302 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
1303 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
1304 a financial statement filed at the time the affidavit is submitted.

1305 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1306 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
1307 statement filed under this section shall be subject to the criminal penalties provided under
1308 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1309 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
1310 considered an offense under this title for the purposes of assessing the penalties provided in
1311 Subsection 20A-1-609(2).

1312 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
1313 substantially the following form:

1314 "Affidavit of Impecuniosity

1315 Individual Name

1316 _____ Address _____

1317 Phone Number _____

1318 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
1319 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
1320 law.

1321 Date _____ Signature _____

1322 Affiant

1323 Subscribed and sworn to before me on _____ (month\day\year)

1324 _____
1325 (signature)

1326 Name and Title of Officer Authorized to Administer Oath _____"

1327 (v) The filing officer shall provide to a person who requests an affidavit of
1328 impecuniosity a statement printed in substantially the following form, which may be included
1329 on the affidavit of impecuniosity:

1330 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1331 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1332 penalties, will be removed from the ballot."

1333 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1334 under this Subsection (8)(d) file a financial statement on a form prepared by the election
1335 official.

1336 ~~[(9) (a) If there is no legislative appropriation for the Western States Presidential
1337 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
1338 president of the United States who is affiliated with a registered political party and chooses to
1339 participate in the regular primary election shall:]~~

1340 ~~[(i) file a declaration of candidacy, in person or via a designated agent, with the
1341 lieutenant governor:]~~

1342 ~~[(A) on a form developed and provided by the lieutenant governor; and]~~

1343 ~~[(B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
1344 March before the next regular primary election;]~~

1345 ~~[(ii) identify the registered political party whose nomination the candidate is seeking;]~~

1346 ~~[(iii) provide a letter from the registered political party certifying that the candidate~~
1347 ~~may participate as a candidate for that party in that party's presidential primary election; and]~~

1348 ~~[(iv) pay the filing fee of \$500.]~~

1349 ~~[(b) A designated agent described in Subsection (9)(a)(i) may not sign the form~~
1350 ~~described in Subsection (9)(a)(i)(A).]~~

1351 ~~[(10)]~~ (9) An individual who fails to file a declaration of candidacy or certificate of
1352 nomination within the time provided in this chapter is ineligible for nomination to office.

1353 ~~[(11)]~~ (10) A declaration of candidacy filed under this section may not be amended or
1354 modified after the final date established for filing a declaration of candidacy.

1355 Section 19. Section **20A-9-202.5** is amended to read:

1356 **20A-9-202.5. Declaration of candidacy -- Presidential primary election.**

1357 (1) As used in this section:

1358 (a) "Presidential candidate" means a person seeking nomination for President of the
1359 United States from a Utah registered political party.

1360 (b) "Utah registered political party" means a political party that has complied with the
1361 requirements of ~~[Title 20A,]~~ Chapter 8, Political Party Formation and Procedures, to become a
1362 political party officially recognized by the state.

1363 (2) Each presidential candidate, or the candidate's designated agent, shall file a
1364 declaration of candidacy with the lieutenant governor as provided in ~~[(a)]~~ Section **20A-9-803**,
1365 for participation in the ~~[Western States Presidential Primary election; or]~~ presidential primary
1366 election.

1367 ~~[(b) Section **20A-9-201**, for participation in the regular primary election.]~~

1368 Section 20. Section **20A-9-403** is amended to read:

1369 **20A-9-403. Regular primary elections.**

1370 (1) (a) Candidates for elective office that are to be filled at the next regular general
1371 election shall be nominated in a regular primary election by direct vote of the people in the
1372 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
1373 designated as regular primary election day. Nothing in this section shall affect a candidate's

1374 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
1375 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
1376 Section 20A-9-601.

1377 (b) Each registered political party that chooses to have the names of the registered
1378 political party's candidates for elective office featured with party affiliation on the ballot at a
1379 regular general election shall comply with the requirements of this section and shall nominate
1380 the registered political party's candidates for elective office in the manner described in this
1381 section.

1382 (c) A filing officer may not permit an official ballot at a regular general election to be
1383 produced or used if the ballot denotes affiliation between a registered political party or any
1384 other political group and a candidate for elective office who is not nominated in the manner
1385 prescribed in this section or in Subsection 20A-9-202(4).

1386 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1387 even-numbered year in which a regular general election will be held.

1388 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
1389 shall:

1390 (i) either declare the registered political party's intent to participate in the next regular
1391 primary election or declare that the registered political party chooses not to have the names of
1392 the registered political party's candidates for elective office featured on the ballot at the next
1393 regular general election; and

1394 (ii) if the registered political party participates in the upcoming regular primary
1395 election, identify one or more registered political parties whose members may vote for the
1396 registered political party's candidates and whether individuals identified as unaffiliated with a
1397 political party may vote for the registered political party's candidates.

1398 (b) (i) A registered political party that is a continuing political party shall file the
1399 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1400 November 30 of each odd-numbered year.

1401 (ii) An organization that is seeking to become a registered political party under Section

1402 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
1403 political party files the petition described in Section 20A-8-103.

1404 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
1405 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
1406 office on the regular primary ballot of the registered political party listed on the declaration of
1407 candidacy only if the individual is certified by the appropriate filing officer as having submitted
1408 a set of nomination petitions that was:

1409 (i) circulated and completed in accordance with Section 20A-9-405; and
1410 (ii) signed by at least 2% of the registered political party's members who reside in the
1411 political division of the office that the individual seeks.

1412 (b) (i) A candidate for elective office shall submit nomination petitions to the
1413 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
1414 in March.

1415 (ii) A candidate may supplement the candidate's submissions at any time on or before
1416 the filing deadline.

1417 (c) (i) The lieutenant governor shall determine for each elective office the total number
1418 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
1419 number of individuals residing in each elective office's political division who have designated a
1420 particular registered political party on the individuals' voter registration forms on or before
1421 November 15 of each odd-numbered year.

1422 (ii) The lieutenant governor shall publish the determination for each elective office no
1423 later than November 30 of each odd-numbered year.

1424 (d) The filing officer shall:

1425 (i) verify signatures on nomination petitions in a transparent and orderly manner;

1426 (ii) for all qualifying candidates for elective office who submit nomination petitions to
1427 the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the
1428 first Monday after the third Saturday in April;

1429 (iii) consider active and inactive voters eligible to sign nomination petitions;

1430 (iv) consider an individual who signs a nomination petition a member of a registered
1431 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
1432 registered political party as the individual's party membership on the individual's voter
1433 registration form; and

1434 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
1435 petition signatures, or use statistical sampling procedures to verify submitted nomination
1436 petition signatures in accordance with rules made under Subsection (3)(f).

1437 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1438 lieutenant governor may appear on the regular primary ballot of a registered political party
1439 without submitting nomination petitions if the candidate files a declaration of candidacy and
1440 complies with Subsection [20A-9-202\(3\)](#).

1441 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1442 director of elections, within the Office of the Lieutenant Governor, may make rules that:

1443 (i) provide for the use of statistical sampling procedures that:

1444 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1445 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1446 submission, using widely recognized statistical sampling techniques; and

1447 (ii) provide for the transparent, orderly, and timely submission, verification, and
1448 certification of nomination petition signatures.

1449 (g) The county clerk shall:

1450 (i) review the declarations of candidacy filed by candidates for local boards of
1451 education to determine if more than two candidates have filed for the same seat;

1452 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1453 local board of education seat on the nonpartisan section of the ballot if more than two
1454 candidates have filed for the same seat; and

1455 (iii) determine the order of the local board of education candidates' names on the ballot
1456 in accordance with Section [20A-6-305](#).

1457 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant

1458 governor shall provide to the county clerks:

1459 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
1460 county, and county offices who have received certifications under Subsection (3), along with
1461 instructions on how those names shall appear on the primary election ballot in accordance with
1462 Section 20A-6-305; and

1463 (ii) a list of unopposed candidates for elective office who have been nominated by a
1464 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
1465 unopposed candidates from the primary election ballot.

1466 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1467 joint-ticket running mates shall appear jointly on the primary election ballot.

1468 (c) After the county clerk receives the certified list from the lieutenant governor under
1469 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1470 substantially the following form:

1471 "Notice is given that a primary election will be held Tuesday, June ____,
1472 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1473 local school board positions listed on the primary ballot. The polling place for voting precinct
1474 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1475 Attest: county clerk."

1476 (5) (a) A candidate~~[, other than a presidential candidate,]~~ who, at the regular primary
1477 election, receives the highest number of votes cast for the office sought by the candidate is:

- 1478 (i) nominated for that office by the candidate's registered political party; or
- 1479 (ii) for a nonpartisan local school board position, nominated for that office.

1480 (b) If two or more candidates~~[, other than presidential candidates,]~~ are to be elected to
1481 the office at the regular general election, those party candidates equal in number to positions to
1482 be filled who receive the highest number of votes at the regular primary election are the
1483 nominees of the candidates' party for those positions.

1484 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1485 (A) no individual other than the candidate receives a certification under Subsection (3)

1486 for the regular primary election ballot of the candidate's registered political party for a
1487 particular elective office; or

1488 (B) for an office where more than one individual is to be elected or nominated, the
1489 number of candidates who receive certification under Subsection (3) for the regular primary
1490 election of the candidate's registered political party does not exceed the total number of
1491 candidates to be elected or nominated for that office.

1492 (ii) A candidate who is unopposed for an elective office in the regular primary election
1493 of a registered political party is nominated by the party for that office without appearing on the
1494 primary election ballot.

1495 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1496 office that represents more than one county, the governor, lieutenant governor, and attorney
1497 general shall, at a public meeting called by the governor and in the presence of the candidates
1498 involved, select the nominee by lot cast in whatever manner the governor determines.

1499 (b) When a tie vote occurs in any primary election for any county office, the district
1500 court judges of the district in which the county is located shall, at a public meeting called by
1501 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1502 whatever manner the judges determine.

1503 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1504 primary election provided for by this section, and all expenses necessarily incurred in the
1505 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1506 county or state, in the same manner as for the regular general elections.

1507 (8) An individual may not file a declaration of candidacy for a registered political party
1508 of which the individual is not a member, except to the extent that the registered political party
1509 permits otherwise under the registered political party's bylaws.

1510 Section 21. Section **20A-9-801** is amended to read:

1511 **Part 8. Presidential Primary Election**

1512 **20A-9-801. Definitions.**

1513 As used in this part, "registered political party" means a political party that has

1514 complied with the requirements of [~~Title 20A,~~] Chapter 8, Political Party Formation and
1515 Procedures, to become a political party officially recognized by the state.

1516 Section 22. Section **20A-9-802** is amended to read:

1517 **20A-9-802. Presidential primary election established -- Other ballot items**
1518 **prohibited.**

1519 [~~(1) (a) (i) Contingent upon legislative appropriation, there is established a Western~~
1520 ~~States Presidential Primary election to be held on the first Tuesday in February]~~

1521 (1) (a) There is established a presidential primary election held on the first Tuesday in
1522 March in the year in which a presidential election will be held.

1523 [~~(ii) A political party may participate in a regular primary election for the office of~~
1524 ~~President of the United States only if there is no Western States Presidential Primary election in~~
1525 ~~that year.]~~

1526 (b) Except as otherwise specifically provided in this chapter, county clerks shall
1527 administer the [~~Western States Presidential Primary]~~ presidential primary election according to
1528 the provisions of [~~Title 20A, Election Code]~~ this title, including:

1529 (i) [~~Title 20A,~~] Chapter 1, General Provisions;

1530 (ii) [~~Title 20A,~~] Chapter 2, Voter Registration;

1531 (iii) [~~Title 20A,~~] Chapter 3, Voting;

1532 (iv) [~~Title 20A,~~] Chapter 4, Election Returns and Election Contests;

1533 (v) [~~Title 20A,~~] Chapter 5, Election Administration; and

1534 (vi) [~~Title 20A,~~] Chapter 6, Ballot Form.

1535 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the [~~Western~~
1536 ~~States Presidential Primary]~~ presidential primary election contains only the names of
1537 candidates for President of the United States who have qualified as provided in this part.

1538 (ii) The county clerks may not present any other items to the voters to be voted upon at
1539 this election.

1540 (2) Registered political parties, and candidates for President of the United States who
1541 are affiliated with a registered political party, may participate in the [~~Western States~~

1542 ~~Presidential Primary~~ presidential primary election established by this part.

1543 (3) As a condition for using the state's election system, each registered political party
 1544 wishing to participate in [~~Utah's Western States Presidential Primary~~] the presidential primary
 1545 election held under this section shall:

1546 (a) declare [~~their~~] the political party's intent to participate in the [~~Western States~~
 1547 ~~Presidential Primary~~] presidential primary election;

1548 (b) identify one or more registered political parties whose members may vote for the
 1549 registered political party's candidates and whether [~~or not persons~~] individuals identified as
 1550 unaffiliated with a political party may vote for the registered political party's candidates; and

1551 (c) certify that information to the lieutenant governor no later than 5 p.m. on [~~the June~~
 1552 ~~30~~] August 10 of the year before the year in which the presidential primary election will be
 1553 held.

1554 Section 23. Section **20A-9-802.5**, which is renumbered from Section 20A-9-810 is
 1555 renumbered and amended to read:

1556 [~~20A-9-810~~]. **20A-9-802.5. Presidential primary required.**

1557 (1) A presidential primary election shall be held under this part each year in which a
 1558 presidential election will be held.

1559 (2) A registered political party that wishes to nominate a presidential candidate for the
 1560 general election may participate in a presidential primary election conducted under this
 1561 [~~section~~] part.

1562 (3) The Legislature shall appropriate sufficient funds to administer each presidential
 1563 primary election conducted under this [~~section~~] part.

1564 Section 24. Section **20A-9-803** is amended to read:

1565 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

1566 (1) Candidates for president of the United States who are affiliated with a registered
 1567 political party [~~in Utah~~] that has elected to participate in [~~Utah's Western States Presidential~~
 1568 ~~Primary~~] the presidential primary election and who wish to participate in the primary election
 1569 shall:

1570 (a) file a declaration of candidacy, in person or via a designated agent, with the
1571 lieutenant governor between ~~[July 1]~~ August 15 of the year before the primary election will be
1572 held and 5 p.m. on ~~[October 15]~~ December 1 of the year before the primary election will be
1573 held;

1574 (b) identify the registered political party whose nomination the candidate is seeking;

1575 (c) provide a letter from the registered political party certifying that the candidate may
1576 participate as a candidate for that party in that party's presidential primary election; and

1577 (d) pay the filing fee of \$500.

1578 (2) The lieutenant governor shall develop a declaration of candidacy form for
1579 presidential candidates participating in the primary.

1580 (3) An agent designated to file a declaration of candidacy may not sign the form
1581 described in Subsection (2).

1582 Section 25. Section **20A-9-805** is amended to read:

1583 **20A-9-805. Closed primary -- Determining party affiliation -- Changing party**
1584 **affiliation.**

1585 (1) If a registered political party has restricted voting for its presidential candidates as
1586 authorized by Subsection **20A-9-802**(3)(b), the lieutenant governor shall direct the county
1587 clerks and other election officials to allow only those voters meeting the registered political
1588 party's criteria to vote for that party's presidential candidates.

1589 (2) (a) For each ~~[person]~~ individual who registers to vote ~~[on or after May 3, 1999]~~, the
1590 county clerk shall:

1591 (i) record the party affiliation designated by the ~~[voter]~~ individual on the voter
1592 registration form as the ~~[voter's]~~ individual's party affiliation; or

1593 (ii) if no political party affiliation is designated by the ~~[voter]~~ individual on the voter
1594 registration form, record the ~~[voter's]~~ individual's party affiliation as "unaffiliated."

1595 (b) Any registered voter may designate or change the voter's political party affiliation
1596 by complying with the procedures and requirements of Section **20A-2-107** or Section
1597 **20A-9-808**.

1598 Section 26. Section **20A-9-806** is amended to read:

1599 **20A-9-806. Ballots.**

1600 (1) The lieutenant governor, together with county clerks, suppliers of election
1601 materials, and representatives of registered political parties, shall:

1602 (a) develop paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional
1603 ballot envelopes to be used in [~~Utah's Western States Presidential Primary~~] a presidential
1604 primary election;

1605 (b) ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, and
1606 provisional ballot envelopes comply generally with the requirements of [~~Title 20A,~~] Chapter 6,
1607 Part 1, General Requirements for All Ballots; and

1608 (c) provide voting booths, election records and supplies, and ballot boxes for each
1609 voting precinct as required by Section [20A-5-403](#).

1610 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), [~~Title 20A,~~]
1611 Chapter 6, Part 1, General Requirements for All Ballots, and Section [20A-5-403](#), the lieutenant
1612 governor, together with county clerks, suppliers of election materials, and representatives of
1613 registered political parties shall ensure that the paper ballots, ballot labels, ballot sheets,
1614 electronic ballots, provisional ballot envelopes, and voting booths, election records and
1615 supplies, and ballot boxes:

1616 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

1617 (ii) simplify the task of poll workers, particularly in determining a voter's party
1618 affiliation;

1619 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

1620 (iv) protect against fraud.

1621 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
1622 county clerks, suppliers of election materials, and representatives of registered political parties
1623 shall:

1624 (i) mark, prepunch, or otherwise identify ballot sheets as being for a particular
1625 registered political party; and

1626 (ii) instruct persons counting the ballots to count only those votes for candidates from
1627 the registered political party whose ballot the voter received.

1628 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor,
1629 county clerks, suppliers of election materials, and representatives of registered political parties
1630 may:

1631 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use
1632 different colored ballot sheets for each registered political party;

1633 (ii) place ballot labels or ballots for each registered political party in different voting
1634 booths and direct voters to the particular voting booth for the political party whose ballot they
1635 are voting; or

1636 (iii) consider other means of accomplishing the objectives outlined in Subsection
1637 (2)(a).

1638 Section 27. Section 20A-9-807 is amended to read:

1639 **20A-9-807. Combining voting precincts.**

1640 (1) The county legislative body may combine voting precincts for [~~Utah's Western~~
1641 ~~States Presidential Primary~~] the presidential primary election by following the procedures and
1642 requirements of Section 20A-5-303.

1643 (2) The county legislative body may not combine voting precincts if the voting
1644 precincts are in different congressional districts as established by Section 20A-13-102.

1645 Section 28. Section 20A-9-808 is amended to read:

1646 **20A-9-808. Voting.**

1647 Voting in [~~Utah's Western States Presidential Primary~~] a presidential primary election
1648 shall be conducted in accordance with the procedures of Section 20A-3-104.5.

1649 Section 29. Section 20A-9-809 is amended to read:

1650 **20A-9-809. Counting votes -- Canvass -- Certification of results to parties.**

1651 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and
1652 retained, returns canvassed, and recounts and election contests conducted as provided in [~~Title~~
1653 ~~20A,~~] Chapter 4, Election Returns and Election Contests.

1654 (2) After the canvass is complete and the report is prepared, the lieutenant governor
1655 shall transmit a copy of the report to each registered political party that participated in [~~Utah's~~
1656 ~~Western States Presidential Primary~~] the presidential primary election.

1657 Section 30. **Repealer.**

1658 This bill repeals:

1659 Section **20A-9-804, Registration with county clerk.**