

Representative Raymond W. Short proposes to substitute the following bill:

WESTERN STATES PRESIDENTIAL PRIMARY

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Raymond W. Short

5	Mary Carlson	David M. Jones	Judy Ann Buffmire
6	Martin R. Stephens	Ralph Becker	A. Lamont Tyler
7	Kevin S. Garn	Brad King	Duane E. Bourdeaux
8	David Ure	David L. Gladwell	David L. Hogue
9	Greg J. Curtis	Carl R. Saunders	

10 AN ACT RELATING TO ELECTIONS; ESTABLISHING A WESTERN STATES
11 PRESIDENTIAL PRIMARY FOR UTAH; DEFINING PARTICIPATION REQUIREMENTS
12 AND FILING FEES; ESTABLISHING PROCESSES FOR IDENTIFYING, DECLARING,
13 RECORDING, AND CHANGING PARTY AFFILIATION; PROVIDING DIRECTION ABOUT
14 BALLOT FORM AND ADMINISTRATION OF THE ELECTION; AND MAKING
15 TECHNICAL AND CONFORMING CHANGES.

16 This act affects sections of Utah Code Annotated 1953 as follows:

17 AMENDS:

- 18 **11-14-4**, as last amended by Chapter 261, Laws of Utah 1996
- 19 **20A-1-102**, as last amended by Chapters 344 and 369, Laws of Utah 1998
- 20 **20A-1-204**, as enacted by Chapter 325, Laws of Utah 1996
- 21 **20A-3-101**, as last amended by Chapter 152, Laws of Utah 1995
- 22 **20A-3-105**, as enacted by Chapter 1, Laws of Utah 1993
- 23 **20A-3-201**, as last amended by Chapter 340, Laws of Utah 1995
- 24 **20A-3-304**, as last amended by Chapter 10, Laws of Utah 1996
- 25 **20A-4-301 (Effective 01/01/00)**, as last amended by Chapters 113 and 362, Laws of Utah
- 26 1998

- 27 **20A-4-301 (Superseded 01/01/00)**, as last amended by Chapter 113, Laws of Utah 1998
- 28 **20A-4-304 (Effective 01/01/00)**, as last amended by Chapter 362, Laws of Utah 1998
- 29 **20A-4-304 (Superseded 01/01/00)**, as last amended by Chapter 21, Laws of Utah 1994
- 30 **20A-4-306**, as last amended by Chapter 183, Laws of Utah 1997
- 31 **20A-4-401**, as enacted by Chapter 1, Laws of Utah 1993
- 32 **20A-5-401 (Effective 01/01/00)**, as last amended by Chapter 362, Laws of Utah 1998
- 33 **20A-5-401 (Superseded 01/01/00)**, as last amended by Chapter 362, Laws of Utah 1998
- 34 **20A-5-601**, as last amended by Chapter 183, Laws of Utah 1997
- 35 **20A-9-201**, as last amended by Chapters 27 and 40, Laws of Utah 1998

36 ENACTS:

- 37 **20A-1-201.5**, Utah Code Annotated 1953
- 38 **20A-9-202.5**, Utah Code Annotated 1953
- 39 **20A-9-801**, Utah Code Annotated 1953
- 40 **20A-9-802**, Utah Code Annotated 1953
- 41 **20A-9-803**, Utah Code Annotated 1953
- 42 **20A-9-804**, Utah Code Annotated 1953
- 43 **20A-9-805**, Utah Code Annotated 1953
- 44 **20A-9-806**, Utah Code Annotated 1953
- 45 **20A-9-807**, Utah Code Annotated 1953
- 46 **20A-9-808**, Utah Code Annotated 1953
- 47 **20A-9-809**, Utah Code Annotated 1953

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

49 Section 1. Section **11-14-4** is amended to read:

50 **11-14-4. Election procedure -- Time for election -- Equipment -- Election officials --**

51 **Combining precincts.**

52 (1) (a) The governing body shall:

53 (i) designate the voting places to be used;

54 (ii) fix the hours during which the polls are to be open, which, if the election is a special
55 election, shall be those provided by law for the conduct of regular general elections;

56 (iii) cause to be provided the necessary ballot boxes, ballots, paraphernalia, equipment, and
57 supplies needed for the election as determined by the governing body; and

58 (iv) unless the election officials to serve at each voting place are otherwise appointed under
59 the provisions of general law, appoint three election officials, who shall be qualified electors of
60 the municipality or other entity calling the election, to serve at each voting place.

61 (b) The governing body may appoint one or more alternate election officials to so serve
62 in case of the absence for any cause of the designated election officials.

63 (2) (a) (i) A bond election may be held and the proposition for the issuance of bonds may
64 be submitted at any general, primary, or other election held in the municipality or other entity
65 calling the bond election, or at a special election called for the purpose.

66 (ii) A bond election may not be held, nor a proposition for issuance of bonds be submitted,
67 at the Western States Presidential Primary election established in Title 20A, Chapter 9, Part 8,
68 Western States Presidential Primary.

69 (b) A special election may, but need not, be held on the same day as any other election.

70 (c) Where a bond election is being held on the same day as any other election held in the
71 municipality or entity calling the bond election or in some part of that municipality or entity, the
72 election officials serving for the other election may also serve as election officials for the bond
73 election.

74 (3) (a) Voting precincts may be combined for purposes of bond elections.

75 (b) The governing body may designate whatever voting places that it considers best suited,
76 so long as no voter is required to vote outside the county in which he resides.

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

78 **20A-1-102. Definitions.**

79 As used in this title:

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

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

84 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his
85 votes and includes ballot cards, paper ballots, and secrecy envelopes.

86 (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

87 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain
88 the names of offices and candidates and statements of ballot propositions to be voted on and which

89 are used in conjunction with ballot cards.

90 (6) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial
91 retention questions, opinion questions, and other questions submitted to the voters for their
92 approval or rejection.

93 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
94 20A-4-306 to canvass election returns.

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

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

99 (10) "By-mail voter registration form" means a voter registration form designed to be
100 completed by the voter and mailed to the election officer.

101 (11) "Canvass" means the review of election returns and the official declaration of election
102 results by the board of canvassers.

103 (12) "Canvassing judge" means an election judge designated to assist in counting ballots
104 at the canvass.

105 (13) "Convention" means the political party convention at which party officers and
106 delegates are selected.

107 (14) "Counting center" means one or more locations selected by the election officer in
108 charge of the election for the automatic counting of ballots.

109 (15) "Counting judge" means a judge designated to count the ballots during election day.

110 (16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201
111 to witness the counting of ballots.

112 (17) "Counting room" means a suitable and convenient private place or room, immediately
113 adjoining the place where the election is being held, for use by the counting judges to count ballots
114 during election day.

115 (18) "County executive" means:

116 (a) the county commission in the traditional form of government established by Section
117 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

118 (b) the county executive in the county executive and chief administrative officer-council
119 optional form of government authorized by Section 17-35a-501;

120 (c) the county executive in the county executive-council optional form of government
121 authorized by Section 17-35a-502;

122 (d) the county council in the council-manager optional form of government authorized by
123 Section 17-35a-503; and

124 (e) the county council in the council-county administrative officer optional form of
125 government authorized by Section 17-35a-504.

126 (19) "County legislative body" means:

127 (a) the county commission in the traditional form of government established by Section
128 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

129 (b) the county council in the county executive and chief administrative officer-council
130 optional form of government authorized by Section 17-35a-501;

131 (c) the county council in the county executive-council optional form of government
132 authorized by Section 17-35a-502;

133 (d) the county council in the council-manager optional form of government authorized by
134 Section 17-35a-503; and

135 (e) the county council in the council-county administrative officer optional form of
136 government authorized by Section 17-35a-504.

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

138 (21) "Election" means a regular general election, a municipal general election, a statewide
139 special election, a local special election, a regular primary election, a municipal primary election,
140 and a special district election.

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

143 (23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

144 (24) "Election officer" means:

145 (a) the lieutenant governor, for all statewide ballots;

146 (b) the county clerk or clerks for all county ballots and for certain special district and
147 school district ballots as provided in Section 20A-5-400.5;

148 (c) the municipal clerk for all municipal ballots and for certain special district and school
149 district ballots as provided in Section 20A-5-400.5; and

150 (d) the special district clerk or chief executive officer for all special district ballots that are

151 not part of a statewide, county, or municipal ballot.

152 (25) "Election official" means any election officer, election judge, or satellite registrar.

153 (26) "Election returns" includes the pollbook, all affidavits of registration, the military and
154 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed
155 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the
156 ballot disposition form, and the total votes cast form.

157 (27) "Electronic voting system" means a system in which a voting device is used in
158 conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic
159 tabulating equipment.

160 (28) "Inactive voter" means a registered voter who has been sent the notice required by
161 Section 20A-2-306 and who has failed to respond to that notice.

162 (29) "Inspecting poll watcher" means a person selected as provided in this title to witness
163 the receipt and safe deposit of voted and counted ballots.

164 (30) "Judicial office" means the office filled by any judicial officer.

165 (31) "Judicial officer" means any justice or judge of a court of record or any county court
166 judge.

167 (32) "Local election" means a regular municipal election, a local special election, a special
168 district election, and a bond election.

169 (33) "Local political subdivision" means a county, a municipality, a special district, or a
170 local school district.

171 (34) "Local special election" means a special election called by the governing body of a
172 local political subdivision in which all registered voters of the local political subdivision may vote.

173 (35) "Municipal executive" means:

174 (a) the city commission, city council, or town council in the traditional management
175 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

176 (b) the mayor in the council-mayor optional form of government defined in Section
177 10-3-1209; and

178 (c) the manager in the council-manager optional form of government defined in Section
179 10-3-1209.

180 (36) "Municipal general election" means the election held in municipalities and special
181 districts on the first Tuesday after the first Monday in November of each odd-numbered year for

182 the purposes established in Section 20A-1-202.

183 (37) "Municipal legislative body" means:

184 (a) the city commission, city council, or town council in the traditional management
185 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

186 (b) the municipal council in the council-mayor optional form of government defined in
187 Section 10-3-1209; and

188 (c) the municipal council in the council-manager optional form of government defined in
189 Section 10-3-1209.

190 (38) "Municipal officers" means those municipal officers that are required by law to be
191 elected.

192 (39) "Municipal primary election" means an election held to nominate candidates for
193 municipal office.

194 (40) "Official ballot" means the ballots distributed by the election officer to the election
195 judges to be given to voters to record their votes.

196 (41) "Official endorsement" means:

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

198 (i) the ballot as an official ballot;

199 (ii) the date of the election; and

200 (iii) the facsimile signature of the election officer; and

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

202 (i) the election judge's initials; and

203 (ii) the ballot number.

204 (42) "Official register" means the book furnished election officials by the election officer
205 that contains the information required by Section 20A-5-401.

206 (43) "Paper ballot" means a paper that contains:

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

209 (b) spaces for the voter to record his vote for each office and for or against each ballot
210 proposition.

211 (44) "Political party" means an organization of registered voters that has qualified to
212 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party

213 Formation and Procedures.

214 (45) "Polling place" means the building where residents of a voting precinct vote.

215 (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in
216 which the voter marks his choice.

217 (47) "Posting list" means a list of registered voters within a voting precinct.

218 (48) "Primary convention" means the political party conventions at which nominees for
219 the regular primary election are selected.

220 (49) "Protective counter" means a separate counter, which cannot be reset, that is built into
221 a voting machine and records the total number of movements of the operating lever.

222 (50) "Qualify" or "qualified" means to take the oath of office and begin performing the
223 duties of the position for which the person was elected.

224 (51) "Receiving judge" means the election judge that checks the voter's name in the official
225 register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter
226 has voted.

227 (52) "Registration days" means the days designated in Section 20A-2-203 when a voter
228 may register to vote with a satellite registrar.

229 (53) "Registration form" means a book voter registration form and a by-mail voter
230 registration form.

231 (54) "Regular general election" means the election held throughout the state on the first
232 Tuesday after the first Monday in November of each even-numbered year for the purposes
233 established in Section 20A-1-201.

234 (55) "Regular primary election" means the election on the fourth Tuesday of June of each
235 even-numbered year, at which candidates of political parties and nonpolitical groups are voted for
236 nomination.

237 (56) "Resident" means a person who resides within a specific voting precinct in Utah.

238 (57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and
239 distributed as provided in Section 20A-5-405.

240 (58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register
241 voters and perform other duties.

242 (59) "Scratch vote" means to mark or punch the straight party ticket and then mark or
243 punch the ballot for one or more candidates who are members of different political parties.

244 (60) "Secrecy envelope" means the envelope given to a voter along with the ballot into
245 which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's
246 vote.

247 (61) "Special election" means an election held as authorized by Section 20A-1-204.

248 (62) "Special district" means those local government entities created under the authority
249 of Title 17A.

250 (63) "Special district officers" means those special district officers that are required by law
251 to be elected.

252 (64) "Spoiled ballot" means each ballot that:

253 (a) is spoiled by the voter;

254 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

255 (c) lacks the official endorsement.

256 (65) "Statewide special election" means a special election called by the governor or the
257 Legislature in which all registered voters in Utah may vote.

258 (66) "Stub" means the detachable part of each ballot.

259 (67) "Substitute ballots" means replacement ballots provided by an election officer to the
260 election judges when the official ballots are lost or stolen.

261 (68) "Ticket" means each list of candidates for each political party or for each group of
262 petitioners.

263 (69) "Transfer case" means the sealed box used to transport voted ballots to the counting
264 center.

265 (70) "Vacancy" means the absence of a person to serve in any position created by statute,
266 whether that absence occurs because of death, disability, disqualification, resignation, or other
267 cause.

268 (71) "Valid write-in candidate" means a candidate who has qualified as a write-in
269 candidate by following the procedures and requirements of this title.

270 (72) "Voter" means a person who meets the requirements of election registration and is
271 registered and is listed in the official register book.

272 (73) "Voting area" means the area within six feet of the voting booths, voting machines,
273 and ballot box.

274 (74) "Voting booth" means the space or compartment within a polling place that is

275 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

276 (75) "Voting device" means:

277 (a) an apparatus in which ballot cards are used in connection with a punch device for
278 piercing the ballots by the voter;

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

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

282 (76) "Voting machine" means a machine designed for the sole purpose of recording and
283 tabulating votes cast by voters at an election.

284 (77) "Voting poll watcher" means a person appointed as provided in this title to witness
285 the distribution of ballots and the voting process.

286 (78) "Voting precinct" means the smallest voting unit established as provided by law
287 within which qualified voters vote at one polling place.

288 (79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting
289 poll watcher.

290 (80) "Western States Presidential primary" means the election established in Title 20A,
291 Chapter 9, Part 8.

292 [~~80~~] (81) "Write-in ballot" means a ballot containing any write-in votes.

293 [~~81~~] (82) "Write-in vote" means a vote cast for a person whose name is not printed on
294 the ballot according to the procedures established in this title.

295 Section 3. Section **20A-1-201.5** is enacted to read:

296 **20A-1-201.5. Primary election dates.**

297 (1) A regular primary election shall be held throughout the state on the fourth Tuesday of
298 June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
299 national, state, school board, and county offices.

300 (2) A municipal primary election shall be held, if necessary, on the Tuesday following the
301 first Monday in October before the regular municipal election to nominate persons for municipal
302 and special district offices.

303 (3) The Western States Presidential primary election shall be held throughout the state on
304 the first Friday after the first Monday in March in the year in which a presidential election will be
305 held.

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

307 **20A-1-204. Date of special election -- Legal effect.**

308 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision
309 calling a statewide special election or local special election under Section 20A-1-203 shall
310 schedule the special election to be held on:

311 (i) the first Tuesday after the first Monday in February;

312 (ii) the first Tuesday after the first Monday in May;

313 (iii) the fourth Tuesday in June in even-numbered years;

314 (iv) the first Tuesday after the first Monday in August; or

315 (v) the first Tuesday after the first Monday in November.

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

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

322 [(i)] (A) determines and declares that there is an emergency requiring that a special
323 election be held on a date other than the ones authorized in statute;

324 [(ii)] (B) identifies specifically the nature of the emergency and the reasons for holding the
325 special election on that other date; and

326 [(iii)] (C) votes unanimously to hold the special election on that other date.

327 (ii) The legislative body of a local political subdivision may not call a local special election
328 for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential Primary, for
329 Utah's Western States Presidential Primary.

330 (d) Nothing in this section prohibits:

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

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

335 (2) If two or more entities hold a special election within a county on the same day, those
336 entities shall, to the extent practicable, coordinate:

- 337 (a) polling places;
- 338 (b) ballots;
- 339 (c) election officials; and
- 340 (d) other administrative and procedural matters connected with the election.

341 Section 5. Section **20A-3-101** is amended to read:

342 **20A-3-101. Residency and age requirements of voters.**

343 (1) A person may vote in any regular general election, statewide special election, and
344 statewide primary election if that person:

- 345 (a) is a citizen of the United States;
- 346 (b) is a resident of Utah;
- 347 (c) will, on the date of that election:
 - 348 (i) be at least 18 years old; and
 - 349 (ii) have been a resident of Utah for 30 days immediately before that election; and
- 350 (d) has registered to vote.

351 (2) A person may vote in [~~a municipal general election, municipal~~] the Western States
352 Presidential primary [~~, in a local special election, in a special district election, and in a bond~~]
353 election if that person:

- 354 (a) is a citizen of the United States;
- 355 (b) is a resident of Utah;
- 356 (c) will, on the date of that election:
 - 357 (i) be at least 18 years old; and
 - 358 (ii) have been a resident of Utah for 30 days immediately before that election;
 - 359 (d) has registered to vote; and
 - 360 (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in the
361 election.

362 (3) A person may vote in a municipal general election, municipal primary, in a local
363 special election, in a special district election, and in a bond election if that person:

- 364 (a) is a citizen of the United States;
- 365 (b) is a resident of Utah;
- 366 (c) is a resident of the local entity that is holding the election;
- 367 (d) will, on the date of the election:

- 368 (i) be at least 18 years old; and
369 (ii) have been a resident of Utah for 30 days immediately before the election; and
370 (e) has registered to vote.

371 (3) If, as of the date of any election, a person has not resided within the voting precinct for
372 at least 20 days or has not registered to vote in that voting precinct, the person may vote at the
373 voting precinct in which he resided before he moved to the new voting precinct if:

- 374 (a) the person is legally registered in that voting precinct; and
375 (b) that voting precinct is in the same county and congressional district as the person's new
376 voting precinct.

377 Section 6. Section **20A-3-105** is amended to read:

378 **20A-3-105. Marking and depositing ballots.**

379 (1) (a) If paper ballots are used, the voter, upon receipt of the ballot, shall go to a voting
380 booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the
381 name of each candidate of the voter's choice for each office to be filled.

382 (b) A mark is not required opposite the name of a write-in candidate.

383 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the
384 appropriate square with a mark opposite the answer the voter intends to make.

385 (d) The voter shall fold the ballot before leaving the booth so its contents are concealed
386 and the stub can be removed.

387 (2) (a) (i) If ballot cards are used, the voter shall insert the ballot card into the voting
388 device and mark the ballot card according to the instructions provided on the device.

389 (ii) If the voter is issued a ballot card with a long stub without a secrecy envelope, the voter
390 shall record any write-in votes on the long stub.

391 (iii) If the voter is issued a ballot card with a secrecy envelope, the voter shall record any
392 write-in votes on the secrecy envelope.

393 (b) After the voter has marked the ballot card, the voter shall either:

394 (i) place the ballot card inside the secrecy envelope, if one is provided; or

395 (ii) fold the long stub over the face of the ballot card to maintain the secrecy of the vote
396 if the voter is issued a ballot card with a long stub without a secrecy envelope.

397 (3) (a) After preparation of the ballot, the voter shall:

398 (i) leave the voting booth; and

- 399 (ii) announce his name to the election judge in charge of the ballot box.
- 400 (b) The election judge in charge of the ballot box shall:
- 401 (i) clearly and audibly announce the name of the voter and the number on the stub of the
- 402 voter's ballot;
- 403 (ii) if the stub number on the ballot corresponds with the number previously recorded in
- 404 the official register, and bears the initials of the election judge, remove the stub from the ballot;
- 405 and
- 406 (iii) return the ballot to the voter.
- 407 (c) The voter shall, in full view of the election judges, cast his vote by depositing the ballot
- 408 in the ballot box.
- 409 (d) (i) The election judge may not accept a ballot from which the stub has been detached.
- 410 (ii) The election judge shall treat a ballot from which the stub has been detached as a
- 411 spoiled ballot and shall provide the voter with a new ballot and dispose of the spoiled ballot as
- 412 provided in Section 20A-3-107.
- 413 (4) A voter voting a paper ballot in a regular primary election shall, after marking the
- 414 ballot:
- 415 (a) (i) detach the part of the paper ballot containing the names of the candidates of the
- 416 party he has voted from the remainder of the paper ballot;
- 417 (ii) fold that portion of the paper ballot so that its face is concealed; and
- 418 (iii) deposit it in the ballot box; and
- 419 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of the
- 420 parties that the elector did not vote; and
- 421 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.
- 422 (5) (a) Each voter shall mark and deposit the ballot without delay and leave the voting area
- 423 after voting.
- 424 (b) A voter may not:
- 425 (i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;
- 426 (ii) remain within the voting area more than ten minutes; or
- 427 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
- 428 voters are waiting to occupy them.
- 429 (6) If the official register shows any voter as having voted, that voter may not reenter the

430 voting area during that election unless that voter is an election official or watcher.

431 (7) The election judges may not allow more than four voters more than the number of
432 voting booths into the voting area at one time unless those excess voters are election officials,
433 watchers, or are assisting handicapped voters.

434 Section 7. Section **20A-3-201** is amended to read:

435 **20A-3-201. Watchers.**

436 (1) (a) (i) For each regular general election or statewide special election, and for each
437 regular primary and Western States Presidential primary, each registered political party and any
438 person interested in [~~an issue~~] a ballot proposition appearing on the ballot may appoint one person
439 to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting
440 poll watcher to observe the counting of ballots, and another person to act as an inspecting poll
441 watcher to inspect the condition and observe the securing of ballot packages.

442 (ii) Each party poll watcher shall be designated, and his selection made known to the
443 election judges, by an affidavit made by the county chair of each of the parties.

444 (iii) Each issue poll watcher shall be designated, and his selection made known to the
445 election judges, by an affidavit made by the individual appointing him.

446 (b) (i) For each municipal general election, municipal primary, local special election, or
447 bond election that uses paper ballots, each candidate and any person interested in an issue
448 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
449 casting of ballots, another person to act as a counting poll watcher to observe the counting of
450 ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe
451 the securing of ballot packages.

452 (ii) For each municipal general election, municipal primary, local special election, or bond
453 election that uses ballot cards, each candidate and any person interested in an issue appearing on
454 the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots,
455 another person to act as a counting poll watcher to observe the counting of ballots, and another
456 person to act as an inspecting poll watcher to inspect the condition and observe the securing of
457 ballot packages.

458 (iii) Each candidate poll watcher shall be designated, and his selection made known to the
459 election judges, by an affidavit made by the candidate appointing him.

460 (iv) Each issue poll watcher shall be designated, and his selection made known to the

461 election judges, by an affidavit made by the individual appointing him.

462 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
463 absent, that poll watcher may substitute some other watcher of similar political beliefs by
464 informing the election judges of the substitution by affidavit.

465 (3) Voting poll watchers may watch and observe the voting process, and may make a
466 written memorandum, but they may not interfere in any way with the process of voting except to
467 challenge a voter as provided in this part.

468 (4) The counting poll watcher shall remain in the counting room, except in the case of
469 necessity, until the close of the polls and may not divulge the progress of the count until the count
470 is completed.

471 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner, directly
472 or indirectly, by word or sign, the progress of the count, the result so far, or any other information
473 about the count.

474 (b) Any person who violates this subsection is guilty of a third degree felony.

475 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
476 whom ballots are delivered after elections to:

477 (a) inspect the condition of the packages containing the ballots upon their arrival; and

478 (b) observe the placement of these packages in a safe and secure place.

479 Section 8. Section **20A-3-304** is amended to read:

480 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

481 (1) As used in this section, "absent elector" means a person who:

482 (a) is physically, emotionally, or mentally impaired;

483 (b) will be serving as an election judge or who has election duties in another voting
484 precinct;

485 (c) is detained or incarcerated in a jail or prison;

486 (d) suffers a legal disability;

487 (e) is prevented from voting in a particular location because of religious tenets or other
488 strongly-held personal values;

489 (f) is called for jury duty in state or federal court; or

490 (g) otherwise expects to be absent from the voting precinct on election day.

491 (2) A registered voter who is or will be an absent elector may file an absentee ballot

492 application with the appropriate election officer for an official absentee ballot.

493 (3) (a) Each election officer shall prepare blank applications for absentee ballot
494 applications in substantially the following form:

495 "I, _____ a qualified elector, in full possession of my mental faculties, residing at _____
496 Street, _____ City, _____ County, Utah and to my best knowledge and belief am entitled to vote by
497 absentee ballot at the next election.

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

499 Dated _____ 19____ Signed _____

500 _____
500 Voter"

501 (b) If requested by the applicant, the election officer shall:

502 (i) mail or fax the application blank to the absentee voter; or

503 (ii) deliver the application blank to any voter who personally applies for it at the office of
504 the election officer.

505 (4) (a) (i) Except as provided in [~~Subsection~~] Subsections (ii) and (iii), the voters shall file
506 the application for an absentee ballot with the appropriate election officer no later than the Friday
507 before election day.

508 (ii) Overseas applicants shall file their applications with the appropriate election officer
509 no later than 20 days before the day of election.

510 (iii) Voters applying for an absentee ballot for the Western States Presidential primary
511 shall file the application for an absentee ballot with the appropriate election officer not later than
512 the Tuesday before election day.

513 (b) Persons voting an absentee ballot at the office of the election officer shall apply for and
514 cast their ballot no later than the day before the election.

515 (5) (a) A county clerk may establish a permanent absentee voter list.

516 (b) The clerk shall place on the list the name of any person who:

517 (i) requests permanent absentee voter status; and

518 (ii) meets the requirements of this section.

519 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the
520 absentee voter list.

521 (ii) The questionnaire shall allow the absentee person to verify the voter's residence and
522 inability to vote at the voting precinct on election day.

523 (iii) The clerk may remove the names of any voter from the absentee voter registration list
524 if:
525 (A) the voter is no longer listed in the official register; or
526 (B) the voter fails to verify the voter's residence and absentee status.
527 (d) The clerk shall provide a copy of the permanent absentee voter list to election officers
528 for use in elections.

529 Section 9. Section **20A-4-301 (Effective 01/01/00)** is amended to read:

530 **20A-4-301 (Effective 01/01/00). Board of canvassers.**

531 (1) (a) Each county legislative body is the board of county canvassers for the county and
532 for each special district whose election is conducted by the county.

533 (b) ~~[The]~~ (i) Except as provided in Subsection (1)(b)(ii), the board of county canvassers
534 shall meet to canvass the returns at the usual place of meeting of the county legislative body, at
535 noon on the Monday after the election.

536 (ii) When canvassing returns for the Western States Presidential primary, the board of
537 county canvassers shall meet to canvass the returns at the usual place of meeting of the county
538 legislative body, at noon on the Thursday after the election.

539 (c) If one or more of the county legislative body fails to attend the meeting of the board
540 of county canvassers, the remaining members shall replace the absent member by appointing in
541 the order named:

542 (i) the county treasurer;

543 (ii) the county assessor; or

544 (iii) the county sheriff.

545 (d) The board of county canvassers shall always consist of three acting members.

546 (e) The county clerk is the clerk of the board of county canvassers.

547 (2) (a) The mayor and the municipal legislative body are the board of municipal canvassers
548 for the municipality.

549 (b) The board of municipal canvassers shall meet to canvass the returns at the usual place
550 of meeting of the municipal legislative body no sooner than three days and no later than seven days
551 after the election.

552 (3) (a) This part does not apply to bond elections.

553 (b) Persons responsible for canvassing bond elections shall comply with the canvassing

554 procedures and requirements of Title 11, Chapter 14, Utah Municipal Bond Act.

555 Section 10. Section **20A-4-301 (Superseded 01/01/00)** is amended to read:

556 **20A-4-301 (Superseded 01/01/00). Board of canvassers.**

557 (1) (a) Each county legislative body is the board of county canvassers for the county.

558 (b) ~~[The]~~ (i) Except as provided in Subsection (1)(b)(ii), the board of county canvassers
559 shall meet to canvass the returns at the usual place of meeting of the county legislative body, at
560 noon on the Monday after the election.

561 (ii) When canvassing returns for the Western States Presidential primary, the board of
562 county canvassers shall meet to canvass the returns at the usual place of meeting of the county
563 legislative body, at noon on the Thursday after the election.

564 (c) If one or more of the county legislative body fails to attend the meeting of the board
565 of county canvassers, the remaining members shall replace the absent member by appointing in
566 the order named:

567 (i) the county treasurer;

568 (ii) the county assessor; or

569 (iii) the county sheriff.

570 (d) The board of county canvassers shall always consist of three acting members.

571 (e) The county clerk is the clerk of the board of county canvassers.

572 (2) (a) The mayor and the municipal legislative body are the board of municipal canvassers
573 for the municipality.

574 (b) The board of municipal canvassers shall meet to canvass the returns at the usual place
575 of meeting of the municipal legislative body no sooner than three days and no later than seven days
576 after the election.

577 (3) (a) The governing board of a special district is the board of canvassers for that special
578 district.

579 (b) The special district board of canvassers shall meet to canvass the returns at the usual
580 place of meeting of the special district governing board no sooner than three days and no later than
581 seven days after the election.

582 (4) (a) This part does not apply to bond elections.

583 (b) Persons responsible for canvassing bond elections shall comply with the canvassing
584 procedures and requirements of Title 11, Chapter 14, Utah Municipal Bond Act.

585 Section 11. Section **20A-4-304 (Effective 01/01/00)** is amended to read:
586 **20A-4-304 (Effective 01/01/00). Declaration of results -- Canvassers' report.**
587 (1) Each board of canvassers shall:
588 (a) declare "elected" or "nominated" those persons who:
589 (i) had the highest number of votes; and
590 (ii) sought election or nomination to an office completely within the board's jurisdiction;
591 (b) declare:
592 (i) "approved" those ballot propositions that:
593 (A) had more "yes" votes than "no" votes; and
594 (B) were submitted only to the voters within the board's jurisdiction;
595 (ii) "rejected" those ballot propositions that:
596 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
597 votes; and
598 (B) were submitted only to the voters within the board's jurisdiction;
599 (c) certify the vote totals for persons and for and against ballot propositions that were
600 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the
601 lieutenant governor; and
602 (d) if applicable, certify the results of each special district election to the special district
603 clerk.
604 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
605 result, which shall contain:
606 (i) the total number of votes cast in the board's jurisdiction;
607 (ii) the names of each candidate whose name appeared on the ballot;
608 (iii) the title of each ballot proposition that appeared on the ballot;
609 (iv) each office that appeared on the ballot;
610 (v) from each voting precinct:
611 (A) the number of votes for each candidate; and
612 (B) the number of votes for and against each ballot proposition;
613 (vi) the total number of votes given in the board's jurisdiction to each candidate, and for
614 and against each ballot proposition; and
615 (vii) a statement certifying that the information contained in the report is accurate.

616 (b) The election officer and the board of canvassers shall:
617 (i) review the report to ensure that it is correct; and
618 (ii) sign the report.
619 (c) The election officer shall:
620 (i) record or file the certified report in a book kept for that purpose;
621 (ii) prepare and transmit a certificate of nomination or election under the officer's seal to
622 each nominated or elected candidate;
623 (iii) publish a copy of the certified report in a newspaper with general circulation in the
624 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and
625 (iv) file a copy of the certified report with the lieutenant governor.
626 (3) When there has been a regular general or a statewide special election for statewide
627 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
628 or more county ballot proposition, each board of canvassers shall:
629 (a) prepare a separate report detailing the number of votes for each candidate and the
630 number of votes for and against each ballot proposition; and
631 (b) transmit it by registered mail to the lieutenant governor.
632 (4) In each county election, municipal election, school election, special district election,
633 and local special election, the election officer shall transmit the reports to the lieutenant governor
634 within 14 days of the canvass.
635 (5) In regular primary elections and in the Western States Presidential primary, the board
636 shall transmit to the lieutenant governor:
637 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
638 governor;
639 (i) not later than the Tuesday after the primary election for the regular primary election;
640 and
641 (ii) not later than the Friday after the election for the Western States Presidential primary;
642 and
643 (b) a complete tabulation showing voting totals for all primary races, precinct by precinct,
644 to be mailed to the lieutenant governor on or before the second Friday following the primary
645 election.
646 Section 12. Section **20A-4-304 (Superseded 01/01/00)** is amended to read:

647 **20A-4-304 (Superseded 01/01/00). Declaration of results -- Canvassers' report.**
648 (1) Each board of canvassers shall:
649 (a) declare "elected" or "nominated" those persons who:
650 (i) had the highest number of votes; and
651 (ii) sought election or nomination to an office completely within the board's jurisdiction;
652 (b) declare:
653 (i) "approved" those ballot propositions that:
654 (A) had more "yes" votes than "no" votes; and
655 (B) were submitted only to the voters within the board's jurisdiction;
656 (ii) "rejected" those ballot propositions that:
657 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
658 votes; and
659 (B) were submitted only to the voters within the board's jurisdiction; and
660 (c) certify the vote totals for persons and for and against ballot propositions that were
661 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the
662 lieutenant governor.
663 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
664 result, which shall contain:
665 (i) the total number of votes cast in the board's jurisdiction;
666 (ii) the names of each candidate whose name appeared on the ballot;
667 (iii) the title of each ballot proposition that appeared on the ballot;
668 (iv) each office that appeared on the ballot;
669 (v) from each voting precinct:
670 (A) the number of votes for each candidate; and
671 (B) the number of votes for and against each ballot proposition;
672 (vi) the total number of votes given in the board's jurisdiction to each candidate, and for
673 and against each ballot proposition; and
674 (vii) a statement certifying that the information contained in the report is accurate.
675 (b) The election officer and the board of canvassers shall:
676 (i) review the report to ensure that it is correct; and
677 (ii) sign the report.

678 (c) The election officer shall:

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

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

682 (iii) publish a copy of the certified report in a newspaper with general circulation in the
683 board's jurisdiction, or if no newspaper is published within the board's jurisdiction, post it in a
684 conspicuous place within the jurisdiction; and

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

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

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

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

692 (4) In each county election, municipal election, school election, special district election,
693 and local special election, the election officer shall transmit the reports to the lieutenant governor
694 within 14 days of the canvass.

695 (5) In regular primary elections and in the Western States Presidential primary, the board
696 shall transmit to the lieutenant governor:

697 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
698 governor;

699 (i) not later than the Tuesday after the primary election for the regular primary election;

700 and

701 (ii) not later than the Friday after the election for the Western States Presidential primary;

702 and

703 (b) a complete tabulation showing voting totals for all primary races, precinct by precinct,
704 to be mailed to the lieutenant governor on or before the second Friday following the primary
705 election.

706 Section 13. Section **20A-4-306** is amended to read:

707 **20A-4-306. Statewide canvass.**

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

- 709 (i) on the fourth Monday of November, at noon; or
710 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
711 returns of a statewide special election.
- 712 (b) The state auditor, the state treasurer, and the attorney general are the state board of
713 canvassers.
- 714 (2) (a) The state board of canvassers shall:
- 715 (i) meet in the lieutenant governor's office; and
716 (ii) compute and determine the vote for officers and for and against any ballot propositions
717 voted upon by the voters of the entire state or of two or more counties.
- 718 (b) The lieutenant governor, as secretary of the board shall file a report in his office that
719 details:
- 720 (i) for each statewide officer and ballot proposition:
- 721 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
722 (B) the candidates for each statewide office whose names appeared on the ballot, plus any
723 recorded write-in candidates;
- 724 (C) the number of votes from each county cast for each candidate and for and against each
725 ballot proposition;
- 726 (D) the total number of votes cast statewide for each candidate and for and against each
727 ballot proposition; and
- 728 (E) the total number of votes cast statewide; and
- 729 (ii) for each officer or ballot proposition voted on in two or more counties:
- 730 (A) the name of each of those offices and ballot propositions that appeared on the ballot;
731 (B) the candidates for those offices, plus any recorded write-in candidates;
- 732 (C) the number of votes from each county cast for each candidate and for and against each
733 ballot proposition; and
- 734 (D) the total number of votes cast for each candidate and for and against each ballot
735 proposition.
- 736 (c) The lieutenant governor shall:
- 737 (i) prepare certificates of election for:
- 738 (A) each successful candidate; and
739 (B) each of the presidential electors of the candidate for president who received a majority

740 of the votes;

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

742 (iii) deliver a certificate of election to:

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

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

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

749 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
750 county;

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

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

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

758 (5) (a) At noon on the third Monday after the regular primary election, the lieutenant
759 governor shall:

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

762 (ii) publish and file the results of the canvass in the ~~[offices of the]~~ lieutenant ~~[governor]~~
763 governor's office.

764 (b) The lieutenant governor shall certify the results of the primary canvass to the county
765 clerks not later than the August 1 after the primary election.

766 (6) (a) At noon on the third Thursday after the Western States Presidential primary
767 election, the lieutenant governor shall:

768 (i) canvass the returns; and

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

770 (b) The lieutenant governor shall certify the results of the Western States Presidential

771 primary canvass to each registered political party that participated in the primary not later than the
772 April 15 after the primary election.

773 Section 14. Section **20A-4-401** is amended to read:

774 **20A-4-401. Recounts -- Procedure.**

775 (1) (a) Any candidate whose name appears on the official ballot in any voting precinct for
776 any regular primary or municipal primary election or for the Western States Presidential primary
777 election may request that the board of canvassers recount the ballots cast in that voting precinct
778 by alleging, in an affidavit filed with the election officer at least one day before the date fixed for
779 canvassing the returns, that fraud was committed or error or mistake was made in counting or
780 returning the votes cast in that voting precinct.

781 (b) (i) If the board receives an affidavit requesting a recount, the board shall recount the
782 ballots cast in those voting precincts for the office for which the contestant was a candidate.

783 (ii) If, after recounting the ballots, the board reaches a different result from that returned
784 by the election judges, the board shall substitute its result as the true and correct return and use its
785 result in all subsequent proceedings.

786 (c) The board's decision based upon the recount is final and no other contest is permitted.

787 (2) If a court orders a recount of votes, the ballots shall be recounted in the manner
788 directed by the judicial authority.

789 (3) (a) For any regular general or municipal general election, when any candidate loses by
790 not more than a total of one vote per voting precinct, he may file a request for a recount with the
791 appropriate election officer within seven days of the canvass.

792 (b) The election officer shall:

793 (i) supervise the recount;

794 (ii) recount all ballots cast for that office;

795 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
796 3; and

797 (iv) declare elected the person receiving the highest number of votes on the recount.

798 (4) (a) Any ten voters who voted in an election when any ballot proposition was on the
799 ballot may file a request for a recount with the appropriate election officer within seven days of
800 the canvass.

801 (b) The election officer shall:

- 802 (i) supervise the recount;
- 803 (ii) recount all ballots cast for that ballot proposition;
- 804 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
- 805 3; and
- 806 (iv) declare the ballot proposition to have "passed" or "failed" based upon the results of
- 807 the recount.

808 (c) Proponents and opponents of the ballot proposition may designate representatives to

809 witness the recount.

810 (d) The person or entity requesting the recount shall pay the costs of the recount.

811 (5) Costs incurred by recount under Subsection (3) may not be assessed against the person

812 requesting the recount.

813 Section 15. Section **20A-5-401 (Effective 01/01/00)** is amended to read:

814 **20A-5-401 (Effective 01/01/00). Official register and posting book -- Preparation --**

815 **Contents.**

816 (1) (a) Before the registration days for each regular general [or], municipal general, regular

817 primary, municipal primary, or Western States Presidential primary election, each county clerk

818 shall prepare an official register and posting list of voters for each voting precinct that will

819 participate in the election.

820 (b) The county clerk shall ensure that the official register and posting list are bound or

821 loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable

822 dimensions to provide for the following entries:

- 823 (i) registered voter's name;
- 824 (ii) party affiliation;
- 825 (iii) grounds for challenge;
- 826 (iv) name of person challenging a voter;
- 827 (v) ballot numbers, primary, November, special;
- 828 (vi) date of birth;
- 829 (vii) place of birth;
- 830 (viii) place of current residence;
- 831 (ix) street address;
- 832 (x) zip code; and

833 (xi) space for the voter to sign his name for each election.

834 (c) When preparing the official register and posting list for the Western States Presidential
835 primary, the county clerk shall include:

836 (i) a column to record the name of the political party whose ballot the voter voted; and

837 (ii) a column for the election judge to record changes in the voter's party affiliation.

838 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
839 elections, special district elections, and bond elections, the county clerk shall make an official
840 register and posting list only for voting precincts affected by the primary, municipal, special
841 district, or bond election.

842 (ii) Each county clerk, with the assistance of the clerk of each affected special district, shall
843 provide a detailed map or an indication on the registration list or other means to enable an election
844 judge to determine the voters entitled to vote at an election of special district officers.

845 (b) Municipalities shall pay the costs of making the official register and posting list for
846 municipal elections.

847 Section 16. Section **20A-5-401 (Superseded 01/01/00)** is amended to read:

848 **20A-5-401 (Superseded 01/01/00). Official register and posting book -- Preparation**
849 **-- Contents.**

850 (1) (a) Before the registration days for each regular general [~~or~~], municipal general, regular
851 primary, municipal primary, or Western States Presidential primary election, each county clerk
852 shall prepare an official register and posting list of voters for each voting precinct that will
853 participate in the election.

854 (b) The county clerk shall ensure that the official register and posting list are bound or
855 loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable
856 dimensions to provide for the following entries:

857 (i) registered voter's name;

858 (ii) party affiliation;

859 (iii) grounds for challenge;

860 (iv) name of person challenging a voter;

861 (v) ballot numbers, primary, November, special;

862 (vi) date of birth;

863 (vii) place of birth;

864 (viii) place of current residence;

865 (ix) street address;

866 (x) zip code; and

867 (xi) space for the voter to sign his name for each election.

868 (c) When preparing the official register and posting list for the Western States Presidential
869 primary, the county clerk shall include:

870 (i) a column to record the name of the political party whose ballot the voter voted; and

871 (ii) a column for the election judge to record changes in the voter's party affiliation.

872 (2) (a) For regular and municipal elections, primary elections, regular municipal elections,
873 special district elections, and bond elections, the county clerk shall make an official register and
874 posting list only for voting precincts affected by the primary, municipal, special district, or bond
875 election.

876 (b) Municipalities shall pay the costs of making the official register and posting list for
877 municipal elections.

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

879 **20A-5-601. Election judges -- Appointment for regular general elections and primary**
880 **elections.**

881 (1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the
882 county chair of each registered political party a list of the number of election judges that the party
883 must nominate for each voting precinct.

884 (b) (i) By April 1 of each even-numbered year, the county chair and secretary of each
885 registered political party shall file a list with the county clerk containing, for each voting precinct,
886 the names of registered voters in the county who are willing to be election judges and who are
887 competent and trustworthy.

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

890 (2) Each county legislative body shall provide for the appointment of persons to serve as
891 election judges at the regular primary [~~and~~] election, the regular general election, and the Western
892 States Presidential primary.

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

895 (a) (i) three registered voters from the list to serve as receiving judges for each voting
896 precinct when ballots will be counted after the polls close; or

897 (ii) three registered voters from the list to serve as receiving judges in each voting precinct
898 and three registered voters from the list to serve as counting judges in each voting precinct when
899 ballots will be counted throughout election day; and

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

902 (4) For regular primary elections and for the Western States Presidential primary election,
903 each county legislative body shall provide for the appointment of:

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

908 (ii) two or three registered voters, or one or two registered voters and one person 17 years
909 old who will be 18 years old by the date of the next regular general election, from the list to serve
910 as receiving judges in each voting precinct and two or three registered voters, or one or two
911 registered voters and one person 17 years old who will be 18 years old by the date of the next
912 regular general election, from the list to serve as counting judges in each voting precinct when
913 ballots will be counted throughout election day; and

914 (b) two or three registered voters, or one or two registered voters and one person 17 years
915 old who will be 18 years old by the date of the next regular general election, from the list for each
916 100 absentee ballots to be counted to serve as canvassing judges.

917 (5) Each county legislative body may provide for the appointment of:

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

920 (b) two or three registered voters, or one or two registered voters and one person 17 years
921 old who will be 18 years old by the date of the next regular general election, from the list to serve
922 as inspecting judges at the regular primary election to observe the clerk's receipt and deposit of the
923 ballots for safekeeping.

924 (6) (a) For each set of three counting or receiving judges to be appointed for each voting
925 precinct for the regular primary election [~~and~~], the regular general election, and the Western States

926 Presidential primary election, the county legislative body shall ensure that:

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

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

935 (b) For each set of two counting or receiving judges to be appointed for each voting
936 precinct for the regular primary election and Western States Presidential primary election, the
937 county legislative body shall ensure that:

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

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

946 (7) When the voting precinct boundaries have been changed since the last regular general
947 election, the county legislative body shall ensure that:

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

954 (b) for the regular primary election and the Western States Presidential primary election,
955 when the county legislative body is using two receiving, counting, and canvassing judges, not more
956 than one of the judges is selected from the political party that cast the highest number of votes for

957 the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in
958 the territory that formed the voting precinct at the time of appointment.

959 (8) The county legislative body shall provide for the appointment of any qualified county
960 voter as an election judge when:

- 961 (a) a political party fails to file the election judge list by the filing deadline; or
- 962 (b) the list is incomplete.

963 (9) A registered voter of the county may serve as an election judge in any voting precinct
964 of the county.

965 (10) If a person serves as an election judge outside the voting precinct where the person
966 is registered, that person may vote an absentee voter ballot.

967 (11) The county clerk shall fill all vacancies in the office of election judge.

968 (12) If a conflict arises over the right to certify the election judge lists for any political
969 party, the county legislative body may decide between conflicting lists, but may only select names
970 from a properly submitted list.

971 (13) The county legislative body shall establish compensation for election judges.

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

973 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
974 **more than one political party prohibited -- General filing and form requirements.**

975 (1) Before filing a declaration of candidacy for election to any office, a person shall:

- 976 (a) be a United States citizen; and
- 977 (b) meet the legal requirements of that office.

978 (2) A person may not:

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

981 (b) appear on the ballot as the candidate of more than one political party.

982 (3) If the final date established for filing a declaration of candidacy is a Saturday or
983 Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

984 (4) (a) (i) [~~Before~~] Except for presidential candidates, before the filing officer may accept
985 any declaration of candidacy, the filing officer shall:

986 (A) read to the prospective candidate the constitutional and statutory qualification
987 requirements for the office that the candidate is seeking; and

988 (B) require the candidate to state whether or not the candidate meets those requirements.

989 (ii) Before accepting a declaration of candidacy for the office of county attorney, the

990 county clerk shall ensure that the person filing that declaration of candidacy is:

991 (A) a United States citizen;

992 (B) an attorney licensed to practice law in Utah who is an active member in good standing
993 of the Utah State Bar;

994 (C) a registered voter in the county in which he is seeking office; and

995 (D) a current resident of the county in which he is seeking office and either has been a
996 resident of that county for at least one year or was appointed and is currently serving as county
997 attorney and became a resident of the county within 30 days after appointment to the office.

998 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
999 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
1000 candidacy is:

1001 (A) a United States citizen;

1002 (B) an attorney licensed to practice law in Utah who is an active member in good standing
1003 of the Utah State Bar;

1004 (C) a registered voter in the prosecution district in which he is seeking office; and

1005 (D) a current resident of the prosecution district in which he is seeking office and either
1006 will have been a resident of that prosecution district for at least one year as of the date of the
1007 election or was appointed and is currently serving as district attorney and became a resident of the
1008 prosecution district within 30 days after receiving appointment to the office.

1009 (b) If the prospective candidate states that he does not meet the qualification requirements
1010 for the office, the filing officer may not accept the prospective candidate's declaration of candidacy.

1011 (c) If the candidate states that he meets the requirements of candidacy, the filing officer
1012 shall:

1013 (i) accept the candidate's declaration of candidacy; and

1014 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1015 declaration of candidacy to the chair of the county or state political party of which the candidate
1016 is a member.

1017 (5) [~~The~~] Except for presidential candidates, the form of the declaration of candidacy shall
1018 be substantially as follows:

1019 "State of Utah, County of ____
 1020 I, _____, declare my intention of becoming a candidate for the office of ____
 1021 as a candidate for the ____ party. I do solemnly swear that: I can qualify to hold that office, both
 1022 legally and constitutionally, if selected; I reside at _____ in the City or Town of _____,
 1023 Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law governing campaigns
 1024 and elections; and I will qualify for the office if elected to it. The mailing address that I designate
 1025 for receiving official election notices is _____.

1026 _____

1027 Subscribed and sworn before me this ____ day of _____, 19__.

1028 Notary Public (or other officer qualified to administer oath.)"

1029 (b) (a) [~~The~~] Except for presidential candidates, the fee for filing a declaration of
 1030 candidacy is:

1031 (i) \$25 for candidates for the local school district board; and

1032 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding
 1033 the office, but not less than \$5, for all other federal, state, and county offices.

1034 (b) [~~The~~] Except for presidential candidates, the filing officer shall refund the filing fee
 1035 to any candidate:

1036 (i) who is disqualified; or

1037 (ii) who the filing officer determines has filed improperly.

1038 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received from
 1039 candidates.

1040 (ii) The lieutenant governor shall:

1041 (A) apportion to and pay to the county treasurers of the various counties all fees received
 1042 for filing of nomination certificates or acceptances; and

1043 (B) ensure that each county receives that proportion of the total amount paid to the
 1044 lieutenant governor from the congressional district that the total vote of that county for all
 1045 candidates for representative in Congress bears to the total vote of all counties within the
 1046 congressional district for all candidates for representative in Congress.

1047 (d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy
 1048 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of
 1049 impecuniosity filed with the filing officer.

1050 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in
1051 substantially the following form:

1052 "Affidavit of Impecuniosity

1053 Individual Name _____ Address _____

1054 Phone Number _____

1055 I, _____ (name), do solemnly [swear] [affirm] that, owing to my poverty,
1056 I am unable to pay the filing fee required by law.

1057 Date _____ Signature _____

1058 Affiant

1059 Subscribed and sworn to before me on _____ (date)

1060 _____
1061 (signature)

1062 Name and Title of Officer Authorized to Administer Oath:"

1063 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
1064 within the time provided in this chapter is ineligible for nomination to office.

1065 Section 19. Section **20A-9-202.5** is enacted to read:

1066 **20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.**

1067 (1) As used in this section:

1068 (a) "Presidential candidate" means a person seeking nomination for President of the United
1069 States from a Utah registered political party.

1070 (b) "Utah registered political party" means a political party that has complied with the
1071 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a
1072 political party officially recognized by the state.

1073 (2) Each presidential candidate, or the candidate's designated agent, shall file a declaration
1074 of candidacy with the lieutenant governor as provided in Section 20A-9-803.

1075 Section 20. Section **20A-9-801** is enacted to read:

1076 **Part 8. Western States Presidential Primary**

1077 **20A-9-801. Definitions.**

1078 As used in this part, "registered political party" means a political party that has complied
1079 with the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to
1080 become a political party officially recognized by the state.

1081 Section 21. Section **20A-9-802** is enacted to read:

1082 **20A-9-802. Western States Presidential Primary established -- Participating political**
1083 **parties bound by results -- Other ballot issues prohibited.**

1084 (1) (a) There is established a Western States Presidential Primary election to be held the
1085 first Friday after the first Monday in March in the year in which a presidential election will be held.

1086 (b) Except as otherwise specifically provided in this chapter, county clerks shall administer
1087 the Western States Presidential Primary according to the provisions of Title 20A, Election Code,
1088 including:

1089 (i) Title 20A, Chapter 1, General Provisions;

1090 (ii) Title 20A, Chapter 2, Voter Registration;

1091 (iii) Title 20A, Chapter 3, Voting;

1092 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

1093 (v) Title 20A, Chapter 5, Election Administration; and

1094 (vi) Title 20A, Chapter 6, Ballot Form.

1095 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western
1096 States Presidential Primary contains only the names of candidates for President of the United
1097 States who have qualified as provided in this part.

1098 (ii) The county clerks may not present any other items to the voters to be voted upon at this
1099 election.

1100 (2) Registered political parties, and candidates for President of the United States who are
1101 affiliated with a registered political party, may participate in the Western States Presidential
1102 Primary established by this part.

1103 (3) As a condition for using the state's election system, each registered political party
1104 wishing to participate in Utah's Western States Presidential Primary shall:

1105 (a) declare their intent to participate in the Western States Presidential Primary;

1106 (b) identify one or more registered political parties whose members may vote for the
1107 registered political party's candidates and whether or not persons identified as unaffiliated with a
1108 political party may vote for the registered political party's candidates; and

1109 (c) certify that information to the lieutenant governor no later than 5:00 p.m. on the June
1110 30 of the year before the year in which the presidential primary will be held.

1111 Section 22. Section **20A-9-803** is enacted to read:

1112 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

1113 (1) (a) Candidates for President of the United States who are affiliated with a registered
1114 political party in Utah that has elected to participate in Utah's Western States Presidential Primary
1115 and who wish to participate in the primary shall:

1116 (i) except as provided in Subsection (1)(b), file a declaration of candidacy, in person or
1117 via a designated agent, with the lieutenant governor between July 1 of the year before the primary
1118 election will be held and 5 p.m. on January 15 of the year in which the primary election will be
1119 held;

1120 (ii) identify the registered political party whose nomination the candidate is seeking;

1121 (iii) provide a letter from the registered political party certifying that the candidate may
1122 participate as a candidate for that party in that party's presidential primary election; and

1123 (iv) pay the filing fee of \$500.

1124 (b) If January 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m.
1125 on the following Monday.

1126 (2) The lieutenant governor shall develop a declaration of candidacy form for presidential
1127 candidates participating in the primary.

1128 Section 23. Section **20A-9-804** is enacted to read:

1129 **20A-9-804. Satellite registration provisions not applicable -- registration with county**
1130 **clerk.**

1131 (1) Section 20A-2-203 and Section 20A-5-202 do not apply to the Western States
1132 Presidential primary.

1133 (2) (a) For the Western States Presidential primary election, each county clerk shall register
1134 to vote all persons who present themselves for registration at the county clerk's office during
1135 designated office hours through the Friday before the Friday of the Western States Presidential
1136 primary if those persons, on voting day, will be legally qualified and entitled to vote in a voting
1137 precinct in the county..

1138 (b) The county clerk shall record the names of person registering to vote during that period
1139 in the official register and direct the election judges to allow those persons to vote in the Western
1140 States Presidential primary election if they present themselves at the voting precinct on election
1141 day.

1142 Section 24. Section **20A-9-805** is enacted to read:

1143 20A-9-805. Closed primary -- Determining party affiliation -- Changing party
1144 affiliation.

1145 (1) If a registered political party has restricted voting for its presidential candidates as
1146 authorized by Subsection 20A-9-802(3)(b), the lieutenant governor shall direct the county clerks
1147 and other election officials to allow only those voters meeting the registered political party's
1148 criteria to vote for that party's presidential candidates.

1149 (2) (a) For each person who registers to vote on or after May 3, 1999, the county clerk
1150 shall:

1151 (i) record the party affiliation designated by the voter on the voter registration form as the
1152 voter's party affiliation; or

1153 (ii) if no political party affiliation is designated by the voter on the voter registration form,
1154 record the voter's party affiliation as "unaffiliated."

1155 (b) (i) Any registered voter may designate or change the voter's political party affiliation
1156 by complying with the procedures and requirements of Section 20A-2-107 § OR SECTION 20A-9-808 § .

1157 Section 25. Section **20A-9-806** is enacted to read:

1158 **20A-9-806. Ballots.**

1159 (1) The lieutenant governor, together with county clerks, suppliers of election materials,
1160 and representatives of registered political parties, shall:

1161 (a) develop paper ballots, ballot labels, and ballot cards to be used in Utah's Western States
1162 Presidential Primary;

1163 (b) ensure that the paper ballots, ballot labels, and ballot cards comply generally with the
1164 requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots; and

1165 (c) provide voting booths, election records and supplies, and ballot boxes for each voting
1166 precinct as required by Section 20A-5-403.

1167 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter
1168 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant governor,
1169 together with county clerks, suppliers of election materials, and representatives of registered
1170 political parties shall ensure that the paper ballots, ballot labels, ballot cards, and voting booths,
1171 election records and supplies, and ballot boxes:

1172 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

1173 (ii) simplify the task of election judges, particularly in determining a voter's party

1174 affiliation;

1175 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

1176 (iv) protect against fraud.

1177 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county
1178 clerks, suppliers of election materials, and representatives of registered political parties shall:

1179 (i) mark, prepunch, or otherwise identify ballot cards as being for a particular registered
1180 political party; and

1181 (ii) instruct persons counting the ballots to count only those votes for candidates from the
1182 registered political party whose ballot the voter received.

1183 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor, county
1184 clerks, suppliers of election materials, and representatives of registered political parties may:

1185 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different
1186 colored ballot cards for each registered political party;

1187 (ii) place ballot labels for each registered political party in different voting booths and
1188 direct voters to the particular voting booth for the political party whose ballot they are voting; or

1189 (iii) consider other means of accomplishing the objectives outlined in Subsection (2)(a).

1190 Section 26. Section **20A-9-807** is enacted to read:

1191 **20A-9-807. Combining voting precincts.**

1192 (1) The county legislative body may combine voting precincts for Utah's Western States
1193 Presidential Primary by following the procedures and requirements of Section 20A-5-303.

1194 (2) The county legislative body may not combine voting precincts if the voting precincts
1195 are in different congressional districts as established by Section 20A-13-102.

1196 Section 27. Section **20A-9-808** is enacted to read:

1197 **20A-9-808. Voting.**

1198 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary
1199 shall give his name, the name of the registered political party whose ballot the voter wishes to vote,
1200 and, if requested, his residence, to one of the election judges.

1201 (b) If an election judge does not know the person requesting a ballot and has reason to
1202 doubt that person's identity, the judge shall request identification or have the voter identified by
1203 a known registered voter of the district.

1204 (c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a

1205 ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

1206 (2) (a) (i) When the voter is properly identified, the election judge in charge of the official
1207 register shall check the official register to determine:

1208 (A) whether or not the person is registered to vote; and

1209 (B) whether or not the person's party affiliation designation in the official register allows
1210 the voter to vote the ballot that the voter requested.

1211 (ii) If the official register does not affirmatively identify the voter as being affiliated with
1212 a registered political party or if the official register identifies the voter as being "unaffiliated," the
1213 voter shall be considered to be "unaffiliated."

1214 (b) (i) If the voter's name is not found on the official register and, if it is not unduly
1215 disruptive of the election process, the election judge shall attempt to contact the county clerk's
1216 office to request oral verification of the voter's registration.

1217 (ii) If oral verification is received from the county clerk's office, the judge shall record the
1218 verification on the official register, determine the voter's party affiliation and the ballot that the
1219 voter is qualified to vote, and perform the other administrative steps required by Subsection (3).

1220 (c) (i) Except as provided in Subsection (c)(ii), if the voter's political party affiliation listed
1221 in the official register does not allow the voter to vote the ballot that the voter requested, the
1222 election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that
1223 the voter's party affiliation does allow the voter to vote.

1224 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register
1225 does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered
1226 political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the
1227 voter requests, the election judge shall ask the voter if the voter wishes to affiliate with the
1228 registered political party whose ballot the voter requested, vote another registered political party
1229 ballot that the voter, as "unaffiliated" is authorized to vote, or remain "unaffiliated."

1230 (B) If the voter wishes to affiliate with the registered political party whose ballot the voter
1231 requested, the election judge shall enter in the official register the voter's new party affiliation and
1232 proceed as required by Subsection (3).

1233 (C) If the voter wishes to vote another registered political party ballot that the unaffiliated
1234 voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

1235 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that

1236 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter
1237 may not vote.

1238 (3) If the election judge determines that the voter is registered and eligible, under
1239 Subsection (2), to vote the ballot that the voter requested:

1240 (a) the election judge in charge of the official register shall:

1241 (i) write the ballot number and the name of the registered political party whose ballot the
1242 voter voted opposite the name of the voter in the official register; and

1243 (ii) direct the voter to sign his name in the election column in the official register;

1244 (b) another judge shall list the ballot number and voter's name in the pollbook; and

1245 (c) the election judge having charge of the ballots shall:

1246 (i) endorse his initials on the stub;

1247 (ii) check the name of the voter on the pollbook list with the number of the stub;

1248 (iii) hand the voter the ballot for the registered political party that the voter requested and
1249 for which the voter is authorized to vote; and

1250 (iv) allow the voter to enter the voting booth.

1251 (4) Whenever the election officer is required to furnish more than one kind of official
1252 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
1253 voter the kind of ballot that the voter is qualified to vote.

1254 Section 28. Section **20A-9-809** is enacted to read:

1255 **20A-9-809. Counting votes -- Canvass -- Certification of results.**

1256 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and
1257 retained, returns canvassed, and recounts and election contests conducted as provided in Title 20A,
1258 Chapter 4, Election Returns and Election Contests.

1259 (2) After the canvass is complete and the report prepared, the lieutenant governor shall
1260 transmit a copy of the report to each registered political party that participated in Utah's Western
1261 States Presidential Primary.