Representative **Loraine T. Pace** proposes to substitute the following bill:

1 # PROCESS FOR CLOSED PRIMARY

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Loraine T. Pace**

5 AN ACT RELATING TO ELECTIONS; ESTABLISHING PROCESSES FOR REGISTERED

6 POLITICAL PARTIES TO REQUEST A CLOSED PRIMARY ELECTION; ESTABLISHING

7 PROCESSES FOR IDENTIFYING, DECLARING, RECORDING, AND CHANGING PARTY

8 AFFILIATION; PROVIDING DIRECTION FOR BALLOT FORM AND ADMINISTRATION

9 OF THE ELECTION; MAKING TECHNICAL CORRECTIONS AND CONFORMING

10 CHANGES; AND PROVIDING AN EFFECTIVE DATE.

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

12 AMENDS:

13   **20A-1-102**, as last amended by Chapters 21, 22 and 45, Laws of Utah 1999

14   **20A-2-104**, as last amended by Chapter 48, Laws of Utah 1999

15   **20A-2-107**, as last amended by Chapter 213, Laws of Utah 1996

16   **20A-3-101**, as last amended by Chapter 22, Laws of Utah 1999

17   **20A-3-202**, as last amended by Chapter 266, Laws of Utah 1998

18   **20A-3-304**, as last amended by Chapters 22 and 253, Laws of Utah 1999

19   **20A-5-102**, as last amended by Chapter 21, Laws of Utah 1994

20   **20A-9-403**, as last amended by Chapters 24, 182 and 184, Laws of Utah 1997

21   **20A-9-404**, as last amended by Chapter 56, Laws of Utah 1999

22 ENACTS:

23   **20A-2-107.1**, Utah Code Annotated 1953

24   **20A-3-104.5**, Utah Code Annotated 1953

25   **20A-6-203**, Utah Code Annotated 1953

26   **20A-6-401.1**, Utah Code Annotated 1953

27   **63-55b-120**, Utah Code Annotated 1953

28   REPEALS:

29   **20A-6-201**, as enacted by Chapter 2, Laws of Utah 1994

30   **20A-6-202**, as enacted by Chapter 2, Laws of Utah 1994

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

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

33   **20A-1-102.   Definitions.**

34   As used in this title:

35   (1) "Active voter" means a registered voter who has not been classified as an inactive voter

36   by the county clerk.

37   (2) "Automatic tabulating equipment" means apparatus that automatically examines and

38   counts votes recorded on paper ballots or ballot cards and tabulates the results.

39   (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his

40   votes and includes ballot cards, paper ballots, and secrecy envelopes.

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

42   (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain

43   the names of offices and candidates and statements of ballot propositions to be voted on and which

44   are used in conjunction with ballot cards.

45   (6) "Ballot proposition" means opinion questions specifically authorized by the

46   Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that

47   are submitted to the voters for their approval or rejection.

48   (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and

49   20A-4-306 to canvass election returns.

50   (8) "Bond election" means an election held for the sole purpose of approving or rejecting

51   the proposed issuance of bonds by a government entity.

52   (9) "Book voter registration form" means voter registration forms contained in a bound

53   book that are used by election officers and registration agents to register persons to vote.

54   (10) "By-mail voter registration form" means a voter registration form designed to be

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

56   (11) "Canvass" means the review of election returns and the official declaration of election

57   results by the board of canvassers.

58   (12) "Canvassing judge" means an election judge designated to assist in counting ballots

59   at the canvass.

60   (13) "Convention" means the political party convention at which party officers and

61   delegates are selected.

62   (14) "Counting center" means one or more locations selected by the election officer in

63   charge of the election for the automatic counting of ballots.

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

65   (16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201

66   to witness the counting of ballots.

67   (17) "Counting room" means a suitable and convenient private place or room, immediately

68   adjoining the place where the election is being held, for use by the counting judges to count ballots

69   during election day.

70   (18) "County executive" means:

71   (a) the county commission in the traditional form of government established by Section

72   17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

73   (b) the county executive in the county executive and chief administrative officer-council

74   optional form of government authorized by Section 17-35a-501;

75   (c) the county executive in the county executive-council optional form of government

76   authorized by Section 17-35a-502;

77   (d) the county council in the council-manager optional form of government authorized by

78   Section 17-35a-503; and

79   (e) the county council in the council-county administrative officer optional form of

80   government authorized by Section 17-35a-504.

81   (19) "County legislative body" means:

82   (a) the county commission in the traditional form of government established by Section

83   17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

84   (b) the county council in the county executive and chief administrative officer-council

85   optional form of government authorized by Section 17-35a-501;

86   (c) the county council in the county executive-council optional form of government

87   authorized by Section 17-35a-502;

88   (d) the county council in the council-manager optional form of government authorized by
89 Section 17-35a-503; and
90   (e) the county council in the council-county administrative officer optional form of
91 government authorized by Section 17-35a-504.
92   (20) "County officers" means those county officers that are required by law to be elected.
93   (21) "Election" means a regular general election, a municipal general election, a statewide
94 special election, a local special election, a regular primary election, a municipal primary election,
95 and a special district election.
96   (22) "Election cycle" means the period beginning on the first day persons are eligible to
97 file declarations of candidacy and ending when the canvass is completed.
98   (23) "Election judge" means each canvassing judge, counting judge, and receiving judge.
99   (24) "Election officer" means:
100   (a) the lieutenant governor, for all statewide ballots;
101   (b) the county clerk or clerks for all county ballots and for certain special district and
102 school district ballots as provided in Section 20A-5-400.5;
103   (c) the municipal clerk for all municipal ballots and for certain special district and school
104 district ballots as provided in Section 20A-5-400.5; and
105   (d) the special district clerk or chief executive officer for all special district ballots that are
106 not part of a statewide, county, or municipal ballot.
107   (25) "Election official" means any election officer, election judge, or satellite registrar.
108   (26) "Election returns" includes the pollbook, all affidavits of registration, the military and
109 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed
110 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the
111 ballot disposition form, and the total votes cast form.
112   (27) "Electronic voting system" means a system in which a voting device is used in
113 conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic
114 tabulating equipment.
115   (28) "Inactive voter" means a registered voter who has been sent the notice required by
116 Section 20A-2-306 and who has failed to respond to that notice.
117   (29) "Inspecting poll watcher" means a person selected as provided in this title to witness
118 the receipt and safe deposit of voted and counted ballots.

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

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

121   judge.

122   (32) "Local election" means a regular municipal election, a local special election, a special

123   district election, and a bond election.

124   (33) "Local political subdivision" means a county, a municipality, a special district, or a

125   local school district.

126   (34) "Local special election" means a special election called by the governing body of a

127   local political subdivision in which all registered voters of the local political subdivision may vote.

128   (35) "Municipal executive" means:

129   (a) the city commission, city council, or town council in the traditional management

130   arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

131   (b) the mayor in the council-mayor optional form of government defined in Section

132   10-3-1209; and

133   (c) the manager in the council-manager optional form of government defined in Section

134   10-3-1209.

135   (36) "Municipal general election" means the election held in municipalities and special

136   districts on the first Tuesday after the first Monday in November of each odd-numbered year for

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

138   (37) "Municipal legislative body" means:

139   (a) the city commission, city council, or town council in the traditional management

140   arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

141   (b) the municipal council in the council-mayor optional form of government defined in

142   Section 10-3-1209; and

143   (c) the municipal council in the council-manager optional form of government defined in

144   Section 10-3-1209.

145   (38) "Municipal officers" means those municipal officers that are required by law to be

146   elected.

147   (39) "Municipal primary election" means an election held to nominate candidates for

148   municipal office.

149   (40) "Official ballot" means the ballots distributed by the election officer to the election

150   judges to be given to voters to record their votes.

151   (41) "Official endorsement" means:

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

153   (i) the ballot as an official ballot;

154   (ii) the date of the election; and

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

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

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

158   (ii) the ballot number.

159   (42) "Official register" means the book furnished election officials by the election officer

160   that contains the information required by Section 20A-5-401.

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

162   (a) the names of offices and candidates and statements of ballot propositions to be voted

163   on; and

164   (b) spaces for the voter to record his vote for each office and for or against each ballot

165   proposition.

166   (44) "Political party" means an organization of registered voters that has qualified to

167   participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party

168   Formation and Procedures.

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

170   (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in

171   which the voter marks his choice.

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

173   (48) "Primary convention" means the political party conventions at which nominees for

174   the regular primary election are selected.

175   (49) "Protective counter" means a separate counter, which cannot be reset, that is built into

176   a voting machine and records the total number of movements of the operating lever.

177   (50) "Qualify" or "qualified" means to take the oath of office and begin performing the

178   duties of the position for which the person was elected.

179   (51) "Receiving judge" means the election judge that checks the voter's name in the official

180   register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter

181   has voted.

182   (52) "Registration days" means the days designated in Section 20A-2-203 when a voter

183   may register to vote with a satellite registrar.

184   (53) "Registration form" means a book voter registration form and a by-mail voter

185   registration form.

186   (54) "Regular general election" means the election held throughout the state on the first

187   Tuesday after the first Monday in November of each even-numbered year for the purposes

188   established in Section 20A-1-201.

189   (55) "Regular primary election" means the election on the fourth Tuesday of June of each

190   even-numbered year, at which candidates of political parties and nonpolitical groups are voted for

191   nomination.

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

193   (57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and

194   distributed as provided in Section 20A-5-405.

195   (58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register

196   voters and perform other duties.

197   (59) "Scratch vote" means to mark or punch the straight party ticket and then mark or

198   punch the ballot for one or more candidates who are members of different political parties.

199   (60) "Secrecy envelope" means the envelope given to a voter along with the ballot into

200   which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's

201   vote.

202   (61) "Special district" means those local government entities created under the authority

203   of Title 17A.

204   (62) "Special district officers" means those special district officers that are required by law

205   to be elected.

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

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

208   (a) is spoiled by the voter;

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

210   (c) lacks the official endorsement.

211   (65) "Statewide special election" means a special election called by the governor or the

212   Legislature in which all registered voters in Utah may vote.

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

214   (67) "Substitute ballots" means replacement ballots provided by an election officer to the

215   election judges when the official ballots are lost or stolen.

216   (68) "Ticket" means each list of candidates for each political party or for each group of

217   petitioners.

218   (69) "Transfer case" means the sealed box used to transport voted ballots to the counting

219   center.

220   (70) "Vacancy" means the absence of a person to serve in any position created by statute,

221   whether that absence occurs because of death, disability, disqualification, resignation, or other

222   cause.

223   (71) "Valid write-in candidate" means a candidate who has qualified as a write-in

224   candidate by following the procedures and requirements of this title.

225   (72) "Voter" means a person who meets the requirements for voting in an election, meets

226   the requirements of election registration [and], is registered to vote, and is listed in the official

227   register book.

228   (73) "Voting area" means the area within six feet of the voting booths, voting machines,

229   and ballot box.

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

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

232   (75) "Voting device" means:

233   (a) an apparatus in which ballot cards are used in connection with a punch device for

234   piercing the ballots by the voter;

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

236   (c) any other method for recording votes on ballots so that the ballot may be tabulated by

237   means of automatic tabulating equipment.

238   (76) "Voting machine" means a machine designed for the sole purpose of recording and

239   tabulating votes cast by voters at an election.

240   (77) "Voting poll watcher" means a person appointed as provided in this title to witness

241   the distribution of ballots and the voting process.

242   (78) "Voting precinct" means the smallest voting unit established as provided by law

243   within which qualified voters vote at one polling place.

244   (79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting

245   poll watcher.

246   (80) "Western States Presidential Primary" means the election established in Title 20A,

247   Chapter 9, Part 8.

248   (81) "Write-in ballot" means a ballot containing any write-in votes.

249   (82) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot

250   according to the procedures established in this title.

251   Section 2. Section **20A-2-104** is amended to read:

252   **20A-2-104.   Voter registration form -- Registered voter lists -- Fees for copies.**

253   (1) (a) Every person applying to be registered shall complete a registration form printed

254   in substantially the following form:

255   ---

256   UTAH ELECTION REGISTRATION FORM

257   Name of Voter _____

258   First   Middle   Last

259   Driver License or Identification Card Number (optional)_____

260   Date of Birth _____

261   Street Address of Principal Place of Residence _____

262   _____

263   City   County   State   Zip Code

264   Telephone Number (optional) _____

265   Last four digits of Social Security Number (optional) _____

266   Place of Birth _____

267   Last former address at which I was registered to vote (if known)

268   _____

269   City   County   State   Zip Code

270   _____

271   Voting Precinct (if known)

272   Political Party [(optional) _____]

273   □American □Democrat □Green □Independent American □Libertarian □Natural Law

274   ☐Reform ☐Populist ☐Republican ☐Socialist Workers ☐Unaffiliated (no political party

275   preference)

276   Other (Please specify) _____

277   I do swear (or affirm), subject to penalty of law for false statements, that the information

278   contained in this form is true, and that I am a citizen of the United States and a resident of the state

279   of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah

280   for 30 days immediately before the next election. I am not a convicted felon currently incarcerated

281   for commission of a felony.

282   Signed and sworn

283   _____

284   Voter's Signature

285   Date _____, [19] 20 _____.

286   NOTICE: IN ORDER TO VOTE, YOUR NAME MUST APPEAR IN THE OFFICIAL

287   REGISTER.

288   FOR OFFICIAL USE ONLY

289   Voting Precinct _____

290   Voting I.D. Number _____

291   --
      -

292   (b) The lieutenant governor, after consulting with the county clerks, may direct additional

293   changes to the voter registration form when necessary to provide information to persons registering

294   to vote or to facilitate election administration.

295   (2) The county clerk shall retain a copy in a permanent countywide alphabetical file, which

296   may be electronic or some other recognized system.

297   (3) (a) Each county clerk shall retain lists of currently registered voters.

298   (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

299   (c) If there are any discrepancies between the two lists, the county clerk's list is the official

300   list.

301   (d) The lieutenant governor and the county clerks may charge the fees established under

302   the authority of Subsection 63-2-203(10) to individuals who wish to obtain a copy of the list of

303   registered voters.

304   (4) When political parties not listed on the voter registration form qualify as registered

305 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the

306 lieutenant governor shall inform the county clerks about the name of the new political party and

307 direct the county clerks to ensure that the voter registration form is modified to include that

308 political party.

309   Section 3. Section **20A-2-107** is amended to read:

310   **20A-2-107.   Designating or changing party affiliation.**

311   (1) For each person who registers to vote on or after May 1, 2000, the county clerk shall:

312   (a) record the party affiliation designated by the voter on the voter registration form as the

313 voter's party affiliation; or

314   (b) if no political party affiliation is designated by the voter on the voter registration form,

315 record the voter's party affiliation as "unaffiliated."

316   [(1)] (2) (a) Any registered voter may designate or change the voter's political party

317 affiliation by complying with the procedures and requirements of this [section] Subsection (2).

318   [(2)] (b) Except for the 20 days immediately before a regular primary election, any

319 registered voter may designate or change the voter's political party affiliation by filing a signed

320 form with the county clerk that identifies the registered political party with which the voter chooses

321 to affiliate.

322   Section 4. Section **20A-2-107.1** is enacted to read:

323   **20A-2-107.1. Designating or changing party affiliation -- June 2002 primary.**

324   (1) At the primary election held June 24, 2002:

325   (a) each county clerk shall provide change of party affiliation forms to the election judges

326 for each voting precinct within the county;

327   (b) any registered voter who is classified as "unaffiliated" may affiliate with a political

328 party by completing the form and giving it to the election judge.

329   (2) An unaffiliated voter who affiliates with a political party as provided in Subsection

330 (1)(b) may vote in that party's primary election on June 24, 2002.

331   (3) This section is repealed July 1, 2002.

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

333   **20A-3-101.   Residency and age requirements of voters.**

334   (1) A person may vote in any regular general election[,] or statewide special [election, and

335 statewide primary] election if that person:

336   (a) is a citizen of the United States;

337   (b) is a resident of Utah;

338   (c) will, on the date of that election:

339   (i) be at least 18 years old; and

340   (ii) have been a resident of Utah for 30 days immediately before that election; and

341   (d) has registered to vote.

342   (2) A person may vote in the Western States Presidential Primary election or a regular

343   primary election if that person:

344   (a) is a citizen of the United States;

345   (b) is a resident of Utah;

346   (c) will, on the date of that election:

347   (i) be at least 18 years old; and

348   (ii) have been a resident of Utah for 30 days immediately before that election;

349   (d) has registered to vote; and

350   (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in the

351   election.

352   (3) A person may vote in a municipal general election, municipal primary, in a local

353   special election, in a special district election, and in a bond election if that person:

354   (a) is a citizen of the United States;

355   (b) is a resident of Utah;

356   (c) is a resident of the local entity that is holding the election;

357   (d) will, on the date of the election:

358   (i) be at least 18 years old; and

359   (ii) have been a resident of Utah for 30 days immediately before the election; and

360   (e) has registered to vote.

361   (4) If, as of the date of any election, a person has not resided within the voting precinct for

362   at least 20 days or has not registered to vote in that voting precinct, the person may vote at the

363   voting precinct in which he resided before he moved to the new voting precinct if:

364   (a) the person is legally registered in that voting precinct; and

365   (b) that voting precinct is in the same county and congressional district as the person's new

366   voting precinct.

367   Section 6. Section **20A-3-104.5** is enacted to read:

368   **20A-3-104.5. Voting -- Regular primary election.**

369   (1) (a) Any registered voter desiring to vote at the regular primary election shall give his

370   name, the name of the registered political party whose ballot the voter wishes to vote, and, if

371   requested, his residence, to one of the election judges.

372   (b) If an election judge does not know the person requesting a ballot and has reason to

373   doubt that person's identity, the judge shall request identification or have the voter identified by

374   a known registered voter of the district.

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

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

377   (2) (a) (i) When the voter is properly identified, the election judge in charge of the official

378   register shall check the official register to determine:

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

380   (B) whether or not the person's party affiliation designation in the official register allows

381   the voter to vote the ballot that the voter requested.

382   (ii) If the official register does not affirmatively identify the voter as being affiliated with

383   a registered political party or if the official register identifies the voter as being "unaffiliated," the

384   voter shall be considered to be "unaffiliated."

385   (b) (i) If the voter's name is not found on the official register and, if it is not unduly

386   disruptive of the election process, the election judge shall attempt to contact the county clerk's

387   office to request oral verification of the voter's registration.

388   (ii) If oral verification is received from the county clerk's office, the judge shall record the

389   verification on the official register, determine the voter's party affiliation and the ballot that the

390   voter is qualified to vote, and perform the other administrative steps required by Subsection (3).

391   (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation

392   listed in the official register does not allow the voter to vote the ballot that the voter requested, the

393   election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that

394   the voter's party affiliation does allow the voter to vote.

395   (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register

396   does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered

397   political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the

398   voter requests, the election judge shall ask the voter if the voter wishes to vote another registered

399   political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."

400   (B) If the voter wishes to vote another registered political party ballot that the unaffiliated

401   voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

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

403   unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter

404   may not vote.

405   (iii) For the primary election held June 24, 2002, only:

406   (A) if the voter is listed in the official register as "unaffiliated," or if the official register

407   does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a registered

408   political party, the election judge shall ask the voter if the voter wishes to affiliate with a registered

409   political party, or remain "unaffiliated."

410   (B) If the voter wishes to affiliate with the registered political party whose ballot the voter

411   requested, the election judge shall direct the voter to complete the change of party affiliation form

412   and proceed as required by Subsection (3).

413   (C) If the voter wishes to remain unaffiliated and wishes to vote another registered political

414   party ballot that the unaffiliated voter is authorized to vote, the election judge shall proceed as

415   required by Subsection (3).

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

417   unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter

418   may not vote.

419   (3) If the election judge determines that the voter is registered and eligible, under

420   Subsection (2), to vote the ballot that the voter requested:

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

422   (i) write the ballot number and the name of the registered political party whose ballot the

423   voter voted opposite the name of the voter in the official register; and

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

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

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

427   (i) endorse his initials on the stub;

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

429   (iii) hand the voter the ballot for the registered political party that the voter requested and

430 for which the voter is authorized to vote; and

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

432   (4) Whenever the election officer is required to furnish more than one kind of official

433 ballot to the voting precinct, the election judges of that voting precinct shall give the registered

434 voter the kind of ballot that the voter is qualified to vote.

435   Section 7. Section **20A-3-202** is amended to read:

436   **20A-3-202.   Challenges -- Recorded in official register and in pollbook.**

437   (1) (a) When any person applies for a ballot or when a person offers a ballot for deposit

438 in the ballot box, the person's right to vote in that voting precinct and in that election may be orally

439 challenged by an election judge or any challenger orally stating the challenged voter's name and

440 the basis for the challenge.

441   (b) A person may challenge another person's right to vote by alleging that:

442   (i) the voter is not the person whose name appears in the official register and under which

443 name the right to vote is claimed;

444   (ii) the voter is not a resident of Utah;

445   (iii) the voter is not a citizen of the United States;

446   (iv) the voter has not or will not have resided in Utah for 30 days immediately before the

447 date of the election;

448   (v) the voter does not live in the voting precinct;

449   (vi) the voter does not live within the geographic boundaries of the entity holding the

450 election;

451   (vii) the voter's principal place of residence is not in the voting precinct;

452   (viii) the voter's principal place of residence is not in the geographic boundaries of the

453 election area;

454   (ix) the voter has voted before in the election;

455   (x) the voter is not at least 18 years old;

456   (xi) the voter is involuntarily confined or incarcerated in jail or prison and was not a

457 resident of the entity holding the election before the voter was confined or incarcerated; [or]

458   (xii) the voter is a convicted felon and is incarcerated for the commission of a felony; or

459   (xiii) in a regular primary election, the voter does not meet the political party affiliation

460 criteria established by the political party whose ballot the voter seeks to vote.

461 (2) (a) The election judges shall give the voter a ballot and allow the voter to vote if:

462 (i) the person challenged signs a written affidavit certifying that he meets all the

463 requirements for voting; and

464 (ii) the election judge determines that the person challenged is registered to vote and, in

465 a regular primary election, meets the political party affiliation criteria established by the political

466 party whose ballot the voter seeks to vote.

467 (b) The election judges may not give the voter a ballot or allow the voter to vote if:

468 (i) the person challenged refuses to sign the written affidavit; [or]

469 (ii) the election judge determines that the person challenged is not registered to vote; or

470 (iii) in a regular primary election, the election judge determines that the person challenged

471 does not meet the political party affiliation criteria established by the political party whose ballot

472 the voter seeks to vote and is unwilling or unable to take the steps authorized by law to comply

473 with those criteria.

474 (c) (i) It is unlawful for any person to sign an affidavit certifying that he meets all the

475 requirements for voting when that person knows he does not meet at least one of those

476 requirements.

477 (ii) Any person who violates this Subsection (2)(c) is guilty of a class B misdemeanor.

478 (3) (a) Any person may challenge the right to vote of any person whose name appears on

479 the posting list by filing a written signed statement identifying the challenged voter's name and the

480 basis for the challenge with the county clerk on the Friday before the election during regular

481 business hours.

482 (b) The person challenging a person's right to vote shall allege one or more of the grounds

483 established in Subsection (1)(b) as the basis for the challenge.

484 (c) The county clerk shall:

485 (i) carefully preserve the written challenges;

486 (ii) write in the appropriate official register opposite the name of any person for whom the

487 county clerk received a written challenge, the words "To be challenged"; and

488 (iii) transmit the written challenges to election judges of that voting precinct.

489 (d) On election day, the election judges shall raise the written challenge with the voter

490 before giving the voter a ballot.

491   (e) If the person challenged takes an oath before any of the election judges that the grounds
492 of the challenge are false, the judges shall allow the person to vote.
493   (f) If the person applying to vote does not meet the legal requirements to vote, or refuses
494 to take the oath, the election judges may not deliver a ballot to him.
495   (4) The election judges shall record all challenges in the official register and on the
496 challenge sheets in the pollbook.
497   (5) If the person challenged under Subsection (3) voted an absentee ballot, the county clerk
498 shall submit the name of the voter and the challenge to the voter to the county attorney, or the
499 district attorney in counties with a prosecution district, for investigation and prosecution for voter
500 fraud.
501   Section 8. Section **20A-3-304** is amended to read:
502   **20A-3-304. Application for absentee ballot -- Time for filing and voting.**
503   (1) As used in this section, "absent elector" means a person who:
504   (a) is physically, emotionally, or mentally impaired;
505   (b) will be serving as an election judge or who has election duties in another voting
506 precinct;
507   (c) is detained or incarcerated in a jail or prison as a penalty for committing a
508 misdemeanor;
509   (d) suffers a legal disability;
510   (e) is prevented from voting in a particular location because of religious tenets or other
511 strongly-held personal values;
512   (f) is called for jury duty in state or federal court; or
513   (g) otherwise expects to be absent from the voting precinct during the hours the polls are
514 open on election day.
515   (2) A registered voter who is or will be an absent elector may file an absentee ballot
516 application with the appropriate election officer for an official absentee ballot.
517   (3) (a) [Each] Except as provided in Subsection (3)(b), each election officer shall prepare
518 blank applications for absentee ballot applications in substantially the following form:
519   "I, ____ a qualified elector, in full possession of my mental faculties, residing at ____
520 Street, ____ City, ____ County, Utah and to my best knowledge and belief am entitled to vote by
521 absentee ballot at the next election.

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

523   Dated _____ [19] 20 ____   Signed _____

524   Voter"

525   (b) Each election officer shall prepare blank applications for absentee ballot applications

526   for regular primary elections and for the Western States Presidential Primary in substantially the

527   following form:

528   "I, ____ a qualified elector, in full possession of my mental faculties, residing at ____

529   Street, ____ City, ____ County, Utah and to my best knowledge and belief am entitled to vote by

530   absentee ballot at the next election.

531   I apply for an official absentee ballot for the _____ political party to be voted

532   by me at the primary election.

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

534   that I request.

535   Dated _____ 20 ____ Signed _____

536   Voter"

537   If requested by the applicant, the election officer shall:

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

539   (ii) deliver the application blank to any voter who personally applies for it at the office of

540   the election officer.

541   (4) (a) (i) Except as provided in Subsections (4)(a)(ii) and (iii), the voters shall file the

542   application for an absentee ballot with the appropriate election officer no later than the Friday

543   before election day.

544   (ii) Overseas applicants shall file their applications with the appropriate election officer

545   no later than 20 days before the day of election.

546   (iii) Voters applying for an absentee ballot for the Western States Presidential Primary

547   shall file the application for an absentee ballot with the appropriate election officer not later than

548   the Tuesday before election day.

549   (b) Persons voting an absentee ballot at the office of the election officer shall apply for and

550   cast their ballot no later than the day before the election.

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

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

553   (i) requests permanent absentee voter status; and

554   (ii) meets the requirements of this section.

555   (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the

556   absentee voter list.

557   (ii) The questionnaire shall allow the absentee person to verify the voter's residence and

558   inability to vote at the voting precinct on election day.

559   (iii) The clerk may remove the names of any voter from the absentee voter registration list

560   if:

561   (A) the voter is no longer listed in the official register; or

562   (B) the voter fails to verify the voter's residence and absentee status.

563   (d) The clerk shall provide a copy of the permanent absentee voter list to election officers

564   for use in elections.

565   Section 9. Section **20A-5-102** is amended to read:

566   **20A-5-102.   Voting instructions.**

567   (1) Each election officer shall:

568   (a) print instruction cards for voters;

569   (b) ensure that the cards are printed in English in large clear type; and

570   (c) ensure that the cards instruct voters:

571   (i) about how to obtain ballots for voting;

572   (ii)   about special political party affiliation requirements for voting in the Western States

573   Presidential Primary or in a regular primary election;

574   [(ii)] (iii) about how to prepare ballots for deposit in the ballot box;

575   [(iii)] (iv) about how to record write-in votes;

576   [(iv)] (v) about how to obtain a new ballot in the place of one spoiled by accident or

577   mistake;

578   [(v)] (vi) about how to obtain assistance in marking ballots;

579   [(vi)] (vii) about obtaining a new ballot if the voter's ballot is defaced; and

580   [(vii)] (viii) that identification marks or the spoiling or defacing of a ballot will make it

581   invalid.

582   (2) Each election officer shall:

583   (a) provide the election judges of each voting precinct with sufficient instruction cards to

584   instruct voters in the preparation of their ballots;

585   (b) direct the election judges to post:

586   (i) at least one instruction card in each voting booth; and

587   (ii) at least three instruction cards and at least one sample ballot elsewhere in and about

588   the polling place.

589   Section 10. Section **20A-6-203** is enacted to read:

590   **20A-6-203. Ballots for regular primary elections.**

591   (1) The lieutenant governor, together with county clerks, suppliers of election materials,

592   and representatives of registered political parties, shall:

593   (a) develop paper ballots, ballot labels, and ballot cards to be used in Utah's regular

594   primary election;

595   (b) ensure that the paper ballots, ballot labels, and ballot cards comply generally, where

596   applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All

597   Ballots, and this section; and

598   (c) provide voting booths, election records and supplies, and ballot boxes for each voting

599   precinct as required by Section 20A-5-403.

600   (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter

601   6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-201, and

602   20A-6-202, the lieutenant governor, together with county clerks, suppliers of election materials,

603   and representatives of registered political parties shall ensure that the paper ballots, ballot labels,

604   ballot cards, and voting booths, election records and supplies, and ballot boxes:

605   (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all

606   voters are authorized to vote for a party's candidate;

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

608   affiliation;

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

610   (iv) protect against fraud.

611   (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county

612   clerks, suppliers of election materials, and representatives of registered political parties shall:

613   (i) mark, prepunch, or otherwise identify ballot cards as being for a particular registered

614   political party; and

615   (ii) instruct persons counting the ballots to count only those votes for candidates from the

616 registered political party whose ballot the voter received.

617   Section 11. Section **20A-6-401.1** is enacted to read:

618   **20A-6-401.1. Ballots for partisan municipal primary elections.**

619   (1) If a municipality is using paper ballots, each election officer shall ensure that:

620   (a) all paper ballots furnished for use at the regular primary election:

621   (i) are perforated to separate the candidates of one political party from those of the other

622 political parties so that the voter may separate the part of the ballot containing the names of the

623 political party of the voter's choice from the rest of the ballot;

624   (ii) have sides that are perforated so that the outside sections of the ballot, when detached,

625 are similar in appearance to the inside sections of the ballot when detached; and

626   (iii) contain no captions or other endorsements except as provided in this section;

627   (b) the names of all candidates from each party are listed on the same ballot in one or more

628 columns under their party name and emblem;

629   (c) the political parties are printed on the ballot in the order determined by the county

630 clerk;

631   (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the top

632 of the ballot;

633   (ii) the ballot number and the words "Judge's Initials _____" are printed on the stub; and

634   (iii) ballot stubs are numbered consecutively;

635   (e) immediately below the perforated ballot stub, the following endorsements are printed

636 in 18-point bold type:

637   (i) "Official Primary Ballot for _____ County, Utah";

638   (ii) the date of the election; and

639   (iii) a facsimile of the signature of the county clerk and the words "county clerk";

640   (f) after the facsimile signature, the political party emblem and the name of the political

641 party are printed;

642   (g) after the party name and emblem the ballot contains the following printed in not

643 smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a

644 candidate, place a cross (X) in the square at the right of the name of the person for whom you wish

645 to vote and in no other place. Do not vote for any candidate listed under more than one party or

646   group designation.", followed by two one-point parallel horizontal rules;

647   (h) after the rules, the designation of the office for which the candidates seek nomination

648   is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more"

649   are printed to extend to the extreme right of the column in ten-point bold type, followed by a

650   hair-line rule;

651   (i) after the hair-line rule, the names of the candidates are printed in heavy face type

652   between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and

653   grouped according to the office that they seek;

654   (j) a square with sides not less than 1/4 inch long is printed to the right of the names of the

655   candidates;

656   (k) the candidate groups are separated from each other by one light and one heavy line or

657   rule; and

658   (l) the nonpartisan candidates are listed as follows:

659   (i) immediately below the listing of the party candidates, the word "NONPARTISAN" is

660   printed in reverse type in an 18-point solid rule that extends the full width of the type copy of the

661   party listing above; and

662   (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the

663   candidate's name, the voting square, and any other necessary information is printed in the same

664   style and manner as for party candidates.

665   (2) (a) If a municipality is using machine counted ballots, the election officer may require

666   that:

667   (i) the ballot label for a regular primary election consist of several groups of pages, so that

668   a separate group can be used to list the names of candidates seeking nomination of each qualified

669   political party, with additional groups used to list candidates for other nonpartisan offices;

670   (ii) the separate groups of pages are identified by color or other suitable means; and

671   (iii) the ballot label contain instructions that direct the voter how to vote the ballot.

672   (b) If a municipality is using machine counted ballots, each election officer shall:

673   (i) ensure that the ballot label provides a square for the voter to designate the political party

674   in whose primary the voter is voting; and

675   (ii) determine the order for printing the names of the political parties on the ballot label.

676   Section 12. Section **20A-9-403** is amended to read:

677   **20A-9-403.   Regular primary elections.**

678   (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular

679   primary election day.

680   (b) Each registered political party that chooses to use the primary election process to

681   nominate some or all of its candidates shall comply with the requirements of this section.

682   (2) (a) [(i) Each] As a condition for using the state's election system, each registered

683   political party that wishes to participate in the primary election shall [submit the names]:

684   (i) declare their intent to participate in the primary election;

685   (ii) identify one or more registered political parties whose members may vote for the

686   registered political party's candidates and whether or not persons identified as unaffiliated with a

687   political party may vote for the registered political party's candidates; and

688   (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of

689   each even-numbered year.

690   (b) As a condition for using the state's election system, each registered political party that

691   wishes to participate in the primary election shall:

692   (i) certify the name and office of all of the registered political party's candidates to the

693   lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

694   (ii) certify the name and office of each of its county candidates to the county clerks [and

695   the names of all of its candidates to the lieutenant governor] by 5 p.m. on May 13 of each

696   even-numbered year.

697   [(ii)] (b) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall

698   send the county clerks a certified list of the names of all statewide or multicounty candidates that

699   must be printed on the primary ballot.

700   [(b)] (c) (i) Except as provided in Subsection [(b)] (2)(c)(ii), if a registered political party

701   does not wish to participate in the primary election, it shall submit the names of its county

702   candidates to the county clerks and the names of all of its candidates to the lieutenant governor by

703   5 p.m. on May 30 of each even-numbered year.

704   (ii) [Notwithstanding Subsection (b)(i), a] A registered political party's candidates for

705   President and Vice-President of the United States shall be certified to the lieutenant governor as

706   provided in Subsection 20A-9-202(4).

707   [(c)] (d) Each political party shall certify the names of its presidential and vice-presidential

708   candidates and presidential electors to the lieutenant governor's office by August 30 of each

709   presidential election year.

710   (3) The county clerk shall:

711   (a) review the declarations of candidacy filed by candidates for local boards of education

712   to determine if more than two candidates have filed for the same seat;

713   (b) place the names of all candidates who have filed a declaration of candidacy for a local

714   board of education seat on the nonpartisan section of the ballot if more than two candidates have

715   filed for the same seat; and

716   (c) conduct a lottery to determine the order of the candidates' names on the ballot.

717   (4) After the county clerk receives the certified list from a registered political party, the

718   county clerk shall post or publish a primary election notice in substantially the following form:

719   "Notice is given that a primary election will be held Tuesday, June ____, [19] 20 __, to

720   nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The

721   polling place for voting precinct ____ is ____. The polls will open at 7 a.m. and continue open

722   until 8 p.m. of the same day. Attest: county clerk".

723   (5) (a) Candidates receiving the highest number of votes cast for each office at the regular

724   primary election are nominated by their party or nonpartisan group for that office.

725   (b) If two or more candidates are to be elected to the office at the regular general election,

726   those party candidates equal in number to positions to be filled who receive the highest number

727   of votes at the regular primary election are the nominees of their party for those positions.

728   (6) (a) When a tie vote occurs in any primary election for any national, state, or other office

729   that represents more than one county, the governor, lieutenant governor, and attorney general shall,

730   at a public meeting called by the governor and in the presence of the candidates involved, select

731   the nominee by lot cast in whatever manner the governor determines.

732   (b) When a tie vote occurs in any primary election for any county office, the district court

733   judges of the district in which the county is located shall, at a public meeting called by the judges

734   and in the presence of the candidates involved, select the nominee by lot cast in whatever manner

735   the judges determine.

736   (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary

737   election provided for by this section, and all expenses necessarily incurred in the preparation for

738   or the conduct of that primary election shall be paid out of the treasury of the county or state, in

739   the same manner as for the regular general elections.

740   Section 13. Section **20A-9-404** is amended to read:

741   **20A-9-404.   Municipal primary elections.**

742   (1) (a) Except as otherwise provided in this section, candidates for municipal office in all

743   municipalities shall be nominated at a municipal primary election.

744   (b) Municipal primary elections shall be held:

745   (i) on the Tuesday following the first Monday in the October before the regular municipal

746   election; and

747   (ii) whenever possible, at the same polling places as the regular municipal election.

748   (2) If the number of candidates for a particular municipal office does not exceed twice the

749   number of persons needed to fill that office, a primary election for that office may not be held and

750   the candidates are considered nominated.

751   (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly of

752   voters or delegates.

753   (b) (i) By ordinance adopted before the June 1 before a regular municipal election, any

754   third class city or town may exempt itself from a primary election by providing that the nomination

755   of candidates for municipal office to be voted upon at a municipal election be nominated by a

756   political party convention or committee.

757   (ii) Any primary election exemption ordinance adopted under the authority of this

758   subsection remains in effect until repealed by ordinance.

759   (c) (i) A convention or committee may not nominate more than one group of candidates

760   or have placed on the ballot more than one group of candidates for the municipal offices to be

761   voted upon at the municipal election.

762   (ii) A convention or committee may nominate a person who has been nominated by a

763   different convention or committee.

764   (iii) A political party may not have more than one group of candidates placed upon the

765   ballot and may not group the same candidates on different tickets by the same party under a

766   different name or emblem.

767   (d) (i) The convention or committee shall prepare a certificate of nomination for each

768   person nominated.

769   (ii) The certificate of nomination shall:

770   (A) contain the name of the office for which each person is nominated, the name, post

771   office address, and, if in a city, the street number of residence and place of business, if any, of each

772   person nominated;

773   (B) designate in not more than five words the political party that the convention or

774   committee represents;

775   (C) contain a copy of the resolution passed at the convention that authorized the committee

776   to make the nomination;

777   (D) contain a statement certifying that the name of the candidate nominated by the political

778   party will not appear on the ballot as a candidate for any other political party;

779   (E) be signed by the presiding officer and secretary of the convention or committee; and

780   (F) contain a statement identifying the residence and post office address of the presiding

781   officer and secretary and certifying that the presiding officer and secretary were officers of the

782   convention or committee and that the certificates are true to the best of their knowledge and belief.

783   (iii) Certificates of nomination shall be filed with the clerk not later than the sixth Tuesday

784   before the November municipal election.

785   (e) A committee appointed at a convention, if authorized by an enabling resolution, may

786   also make nominations or fill vacancies in nominations made at a convention.

787   (f) The election ballot shall substantially comply with the form prescribed in Title 20A,

788   Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be

789   included with the candidate's name.

790   (4) (a) Any third class city may adopt an ordinance before the July 1 before the regular

791   municipal election that:

792   (i) exempts the city from the other methods of nominating candidates to municipal office

793   provided in this section; and

794   (ii) provides for a partisan primary election method of nominating candidates as provided

795   in this Subsection (4).

796   (b) (i) Any party that was a registered political party at the last regular general election or

797   regular municipal election is a municipal political party under this section.

798   (ii) Any political party may qualify as a municipal political party by presenting a petition

799   to the city recorder that:

800   (A) is signed by registered voters within the municipality equal to at least 20% of the

801   number of votes cast for all candidates for mayor in the last municipal election at which a mayor

802   was elected;

803   (B) is filed with the city recorder by the seventh Tuesday before the date of the municipal

804   primary election;

805   (C) is substantially similar to the form of the signature sheets described in Section

806   20A-7-303; and

807   (D) contains the name of the municipal political party using not more than five words.

808   (c) (i) If the number of candidates for a particular office does not exceed twice the number

809   of offices to be filled at the regular municipal election, no partisan primary election for that office

810   shall be held and the candidates are considered to be nominated.

811   (ii) If the number of candidates for a particular office exceeds twice the number of offices

812   to be filled at the regular municipal election, those candidates for municipal office shall be

813   nominated at a partisan primary election.

814   (d) The clerk shall ensure that:

815   (i) the partisan municipal primary ballot is similar to the ballot forms required by Sections

816   [20A-6-201] 20A-6-401 and [20A-6-202] 20A-6-401.1;

817   (ii) the candidates for each municipal political party are listed in one or more columns

818   under their party name and emblem;

819   (iii) the names of candidates of all parties are printed on the same ballot, but under their

820   party designation;

821   (iv) every ballot is folded and perforated so as to separate the candidates of one party from

822   those of the other parties and so as to enable the elector to separate the part of the ballot containing

823   the names of the party of his choice from the remainder of the ballot; and

824   (v) the side edges of all ballots are perforated so that the outside sections of the ballots,

825   when detached, are similar in appearance to inside sections when detached.

826   (e) After marking a municipal primary ballot, the voter shall:

827   (i) detach the part of the ballot containing the names of the candidates of the party he has

828   voted from the rest of the ballot;

829   (ii) fold the detached part so that its face is concealed and deposit it in the ballot box; and

830   (iii) fold the remainder of the ballot containing the names of the candidates of the parties

831   for whom the elector did not vote and deposit it in the blank ballot box.

832   (f) Immediately after the canvass, the election judges shall, without examination, destroy

833   the tickets deposited in the blank ballot box.

834   Section 14. Section **63-55b-120** is enacted to read:

835   **<u>63-55b-120.</u> Repeal dates -- Title 20A.**

836   <u>Section 20A-2-107.1 is repealed July 1, 2002.</u>

837   Section 15. **Repealer.**

838   This act repeals:

839   Section **20A-6-201, Paper ballots for regular primary elections.**

840   Section **20A-6-202, Machine-counted ballots for regular primary elections.**

841   Section 16. **Effective date.**

842   <u>This act takes effect on July 1, 2000.</u>