

**REGISTERING FOR PRIMARY ELECTIONS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Sheryl L. Allen**

**This act modifies the election code by allowing unaffiliated voters to affiliate with a political party at regular primary elections held in 2004, 2006, and 2008. Section 20A-2-107.5 is repealed July 1, 2008.**

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

AMENDS:

**20A-3-104.5**, as enacted by Chapter 328, Laws of Utah 2000

**63-55b-120**, as last amended by Chapter 136, Laws of Utah 2002

ENACTS:

**20A-2-107.5**, Utah Code Annotated 1953

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

Section 1. Section **20A-2-107.5** is enacted to read:

**20A-2-107.5. Designating or changing party affiliation -- Regular primary election.**

(1) At any regular primary election:

(a) each county clerk shall provide change of party affiliation forms to the election judges for each voting precinct within the county; and

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

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

Section 2. Section **20A-3-104.5** is amended to read:

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

(1) (a) Any registered voter desiring to vote at the regular primary election shall give his name, the name of the registered political party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the election judges.

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

(c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

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

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

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

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

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

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

(c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

(ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter requests, the election judge shall ask the voter if the voter wishes to vote

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

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

(C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter may not vote.

(iii) For the primary [~~election~~] elections held [~~June 24, 2002,~~] in 2004, 2006, and 2008 only:

(A) [~~if~~] If the voter is listed in the official register as "unaffiliated," or if the official register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a registered political party, the election judge shall ask the voter if the voter wishes to affiliate with a registered political party, or remain "unaffiliated."

(B) If the voter wishes to affiliate with the registered political party whose ballot the voter requested, the election judge shall direct the voter to complete the change of party affiliation form and proceed as required by Subsection (3).

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

(D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter may not vote.

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

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

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

- (ii) direct the voter to sign his name in the election column in the official register;
- (b) another judge shall list the ballot number and voter's name in the pollbook; and
- (c) the election judge having charge of the ballots shall:
  - (i) endorse his initials on the stub;
  - (ii) check the name of the voter on the pollbook list with the number of the stub;
  - (iii) hand the voter the ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and
  - (iv) allow the voter to enter the voting booth.

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

Section 3. Section **63-55b-120** is amended to read:

**63-55b-120. Repeal dates, Title 20A.**

- (1) Section 20A-1-205 is repealed January 1, 2003.
- (2) Section 20A-2-107.1 is repealed July 1, 2002.
- (3) Section 20A-2-107.5 is repealed July 1, 2008.