

28 (6) "Ballot proposition" means opinion questions specifically authorized by the
29 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions
30 that are submitted to the voters for their approval or rejection.

31 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
32 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

49 (16) "Counting poll watcher" means a person selected as provided in Section
50 20A-3-201 to witness the counting of ballots.

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

54 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

55 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

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

58 (21) "Election" means a regular general election, a municipal general election, a

59 statewide special election, a local special election, a regular primary election, a municipal
60 primary election, and a special district election.

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

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

65 (24) "Election officer" means:

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

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

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

71 (d) the special district clerk or chief executive officer for all special district ballots that
72 are not part of a statewide, county, or municipal ballot.

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

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

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

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

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

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

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

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

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

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

95 (35) "Municipal executive" means:

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

98 (b) the mayor in the council-mayor optional form of government defined in Section
99 10-3-1209; and

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

102 (36) "Municipal general election" means the election held in municipalities and special
103 districts on the first Tuesday after the first Monday in November of each odd-numbered year
104 for the purposes established in Section 20A-1-202.

105 (37) "Municipal legislative body" means:

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

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

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

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

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

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

118 (41) "Official endorsement" means:

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

120 (i) the ballot as an official ballot;

- 121 (ii) the date of the election; and
- 122 (iii) the facsimile signature of the election officer; and
- 123 (b) the information on the ballot stub that identifies:
- 124 (i) the election judge's initials; and
- 125 (ii) the ballot number.
- 126 (42) "Official register" means the book furnished election officials by the election
- 127 officer that contains the information required by Section 20A-5-401.
- 128 (43) "Paper ballot" means a paper that contains:
- 129 (a) the names of offices and candidates and statements of ballot propositions to be
- 130 voted on; and
- 131 (b) spaces for the voter to record his vote for each office and for or against each ballot
- 132 proposition.
- 133 (44) "Political party" means an organization of registered voters that has qualified to
- 134 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
- 135 Formation and Procedures.
- 136 (45) "Polling place" means the building where residents of a voting precinct vote or
- 137 where absentee voting is conducted.
- 138 (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 139 in which the voter marks his choice.
- 140 (47) "Posting list" means a list of registered voters within a voting precinct.
- 141 (48) "Provisional ballot" means a ballot voted provisionally by a person:
- 142 (a) whose name is not listed on the official register at the polling place; or
- 143 (b) whose legal right to vote is challenged as provided in this title.
- 144 (49) "Provisional ballot envelope" means an envelope printed in the form required by
- 145 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
- 146 verify a person's legal right to vote.
- 147 (50) "Primary convention" means the political party conventions at which nominees for
- 148 the regular primary election are selected.
- 149 (51) "Protective counter" means a separate counter, which cannot be reset, that is built
- 150 into a voting machine and records the total number of movements of the operating lever.
- 151 (52) "Qualify" or "qualified" means to take the oath of office and begin performing the

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

153 (53) "Receiving judge" means the election judge that checks the voter's name in the
154 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
155 after the voter has voted.

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

158 (55) "Registration form" means a book voter registration form and a by-mail voter
159 registration form.

160 (56) "Regular ballot" means a ballot that is not a provisional ballot.

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

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

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

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

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

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

174 (63) "Secrecy envelope" means the envelope given to a voter along with the ballot into
175 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
176 voter's vote.

177 (64) "Special district" means those local government entities created under the
178 authority of Title 17A.

179 (65) "Special district officers" means those special district officers that are required by
180 law to be elected.

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

182 (67) "Spoiled ballot" means each ballot that:

183 (a) is spoiled by the voter;

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

185 (c) lacks the official endorsement.

186 (68) "Statewide special election" means a special election called by the governor or the

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

188 (69) "Stub" means the detachable part of each ballot.

189 (70) "Substitute ballots" means replacement ballots provided by an election officer to

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

191 (71) "Ticket" means each list of candidates for each political party or for each group of

192 petitioners.

193 (72) "Transfer case" means the sealed box used to transport voted ballots to the

194 counting center.

195 (73) "Vacancy" means the absence of a person to serve in any position created by

196 statute, whether that absence occurs because of death, disability, disqualification, resignation,

197 or other cause.

198 (74) "Valid write-in candidate" means a candidate who has qualified as a write-in

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

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

201 meets the requirements of election registration, is registered to vote, and is listed in the official

202 register book.

203 (76) "Voting area" means the area within six feet of the voting booths, voting

204 machines, and ballot box.

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

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

207 (78) "Voting device" means:

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

209 piercing the ballots by the voter;

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

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

212 by means of automatic tabulating equipment.

213 (79) "Voting machine" means a machine designed for the sole purpose of recording

214 and tabulating votes cast by voters at an election.

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

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

219 (82) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting
220 poll watcher.

221 (83) "Western States Presidential Primary" means the election established in Title 20A,
222 Chapter 9, Part 8.

223 (84) "Write-in ballot" means a ballot containing any write-in votes.

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

226 Section 2. Section **20A-3-501** is amended to read:

227 **20A-3-501. Polling place -- Prohibited activities.**

228 (1) As used in this section:

229 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to
230 refrain from voting or to vote for or vote against any candidate or issue; and

231 (b) "polling place" means the physical place where ballots and absentee ballots are cast
232 and includes the county clerk's office or city hall during the period in which absentee ballots
233 may be cast there.

234 (2) (a) A person may not, within a polling place or in any public area within 150 feet of
235 the building where a polling place is located:

236 (i) do any electioneering;

237 (ii) circulate cards or handbills of any kind;

238 (iii) solicit signatures to any kind of petition; or

239 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts
240 the administration of the polling place.

241 (b) A county, municipality, school district, or special district may not prohibit
242 electioneering that occurs more than 150 feet from the building where a polling place is
243 located, but may regulate the place and manner of that electioneering to protect the public
244 safety.

245 (3) (a) A person may not obstruct the doors or entries to a building in which a polling
246 place is located or prevent free access to and from any polling place.

247 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the
248 obstruction of the entrance to a polling place and may arrest any person creating an obstruction.

249 (4) A person may not:

250 (a) remove any ballot from the polling place before the closing of the polls, except as
251 provided in Section 20A-4-101; or

252 (b) solicit any voter to show his ballot.

253 (5) A person may not receive a voted ballot from any voter or deliver an unused ballot
254 to a voter unless that person is an election judge.

255 (6) Any person who violates any provision of this section is guilty of a class A
256 misdemeanor.

257 (7) A political subdivision may not prohibit political signs that are located more than
258 150 feet away from a polling place, but may regulate their placement to protect public safety.

259 Section 3. Section **20A-9-203** is amended to read:

260 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

261 (1) (a) A person may become a candidate for any municipal office if the person is a
262 registered voter and:

263 (i) the person has resided within the municipality in which that person seeks to hold
264 elective office for the 12 consecutive months immediately before the date of the election; or

265 (ii) if the territory in which the person resides was annexed into the municipality, the
266 person has resided within the annexed territory or the municipality for 12 months.

267 (b) In addition to the requirements of Subsection (1)(a), candidates for a municipal
268 council position under the council-mayor or council-manager alternative forms of municipal
269 government shall, if elected from districts, be residents of the council district from which they
270 are elected.

271 (c) Pursuant to Utah Constitution Article IV, Section 6, any mentally incompetent
272 person, any person convicted of a felony, or any person convicted of treason or a crime against
273 the elective franchise may not hold office in this state until the right to vote or hold elective
274 office is restored as provided by statute.

275 (2) (a) Each person seeking to become a candidate for a municipal office shall file a

276 declaration of candidacy in person with the city recorder or town clerk during office hours and
277 not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the
278 filing fee, if one is required by municipal ordinance.

279 (b) Any resident of a municipality may nominate a candidate for a municipal office by
280 filing a nomination petition with the city recorder or town clerk during office hours but not
281 later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing
282 fee, if one is required by municipal ordinance.

283 (c) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5
284 p.m. on the following Monday.

285 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
286 petition, the filing officer shall:

287 (i) read to the prospective candidate or person filing the petition the constitutional and
288 statutory qualification requirements for the office that the candidate is seeking; and

289 (ii) require the candidate or person filing the petition to state whether or not the
290 candidate meets those requirements.

291 (b) If the prospective candidate does not meet the qualification requirements for the
292 office, the filing officer may not accept the declaration of candidacy or nomination petition.

293 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
294 filing officer shall accept the declaration of candidacy or nomination petition.

295 (4) The declaration of candidacy shall substantially comply with the following form:

296 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
297 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
298 registered voter; and that I am a candidate for the office of ____ (stating the term). I request
299 that my name be printed upon the applicable official ballots. (Signed) _____

300 Subscribed and sworn to (or affirmed) before me by ____ on this
301 _____(month\day\year).

302 (Signed) _____ (Clerk or other officer qualified to administer oath)"

303 (5) (a) Any registered voter may be nominated for municipal office by submitting a
304 petition signed by:

305 (i) 25 residents of the municipality who are at least 18 years old; or

306 (ii) 20% of the residents of the municipality who are at least 18 years old.

307 (b) (i) The petition shall substantially conform to the following form:

308 "NOMINATION PETITION

309 The undersigned residents of (name of municipality) being 18 years old or older
310 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
311 applicable)."

312 (ii) The remainder of the petition shall contain lines and columns for the signatures of
313 persons signing the petition and their addresses and telephone numbers.

314 (c) If the declaration of candidacy or nomination petition fails to state whether the
315 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
316 the four-year term.

317 (d) (i) The clerk shall verify with the county clerk that all candidates are registered
318 voters.

319 (ii) Any candidate who is not registered to vote is disqualified and the clerk may not
320 print the candidate's name on the ballot.

321 (6) Immediately after expiration of the period for filing a declaration of candidacy, the
322 clerk shall:

323 (a) cause the names of the candidates as they will appear on the ballot to be published
324 in at least two successive publications of a newspaper with general circulation in the
325 municipality; and

326 (b) notify the lieutenant governor of the names of the candidates as they will appear on
327 the ballot.

328 (7) (a) A declaration of candidacy or nomination petition filed under this section is
329 valid unless a written objection is filed with the clerk within five days after the last day for
330 filing.

331 (b) If an objection is made, the clerk shall:

332 (i) mail or personally deliver notice of the objection to the affected candidate
333 immediately; and

334 (ii) decide any objection within 48 hours after it is filed.

335 (c) If the clerk sustains the objection, the candidate may correct the problem by
336 amending the declaration or petition within three days after the objection is sustained or by
337 filing a new declaration within three days after the objection is sustained.

338 (d) (i) The clerk's decision upon objections to form is final.

339 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
340 prompt application is made to the district court.

341 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
342 of its discretion, agrees to review the lower court decision.

343 (8) Any person who filed a declaration of candidacy and was nominated, and any
344 person who was nominated by a nomination petition, may, any time up to 23 days before the
345 election, withdraw the nomination by filing a written affidavit with the clerk.

Legislative Review Note
as of 1-28-03 4:12 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst