

1 **REGISTERING FOR PRIMARY ELECTIONS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Sheryl L. Allen**

5 **This act modifies the election code by allowing unaffiliated voters to affiliate with a**
6 **political party at all regular primary elections.**

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

8 AMENDS:

9 **20A-3-104.5**, as enacted by Chapter 328, Laws of Utah 2000

10 ENACTS:

11 **20A-2-107.5**, Utah Code Annotated 1953

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

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

14 **20A-2-107.5. Designating or changing party affiliation -- Regular primary**
15 **election.**

16 (1) At any regular primary election:

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

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

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

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

24 **20A-3-104.5. Voting -- Regular primary election.**

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



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

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

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

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

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

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

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

44 (ii) If oral verification is received from the county clerk's office, the judge shall record
45 the verification on the official register, determine the voter's party affiliation and the ballot that
46 the voter is qualified to vote, and perform the other administrative steps required by Subsection
47 (3).

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

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

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

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

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

64 [~~(iii) For the primary election held June 24, 2002, only:~~]

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

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

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

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

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

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

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

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

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

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

86 (i) endorse his initials on the stub;

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

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

- 90 (iv) allow the voter to enter the voting booth.
- 91 (4) Whenever the election officer is required to furnish more than one kind of official
- 92 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
- 93 voter the kind of ballot that the voter is qualified to vote.

Legislative Review Note
as of 2-3-03 10:18 AM

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 within existing budgets.

Individual and Business Impact

Counties will have additional expenses for printing costs.

Office of the Legislative Fiscal Analyst