

**Representative Sheryl L. Allen** proposes the following substitute bill:

**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 all regular primary elections. Section 20A-2-107.5 is repealed July 1, 2008.**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:



26           **20A-3-104.5. Voting -- Regular primary election.**

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

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

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

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

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

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

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

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

46           (ii) If oral verification is received from the county clerk's office, the judge shall record  
47 the verification on the official register, determine the voter's party affiliation and the ballot that  
48 the voter is qualified to vote, and perform the other administrative steps required by Subsection  
49 (3).

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

54           (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official  
55 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a  
56 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the

57 ballot that the voter requests, the election judge shall ask the voter if the voter wishes to vote  
58 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or  
59 remain "unaffiliated."

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

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

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

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

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

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

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

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

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

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

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

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

- 88 (c) the election judge having charge of the ballots shall:
- 89 (i) endorse his initials on the stub;
- 90 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 91 (iii) hand the voter the ballot for the registered political party that the voter requested
- 92 and for which the voter is authorized to vote; and
- 93 (iv) allow the voter to enter the voting booth.
- 94 (4) Whenever the election officer is required to furnish more than one kind of official
- 95 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
- 96 voter the kind of ballot that the voter is qualified to vote.

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

98 **63-55b-120. Repeal dates, Title 20A.**

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