

**ELECTION LAW AMENDMENTS**

2003 SECOND SPECIAL SESSION

STATE OF UTAH

**Sponsor: Loraine T. Pace**

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**LONG TITLE****General Description:**

This bill amends provisions governing voting precincts and election judges.

**Highlighted Provisions:**

This bill:

h [ ~~increases the maximum possible size for a voting precinct from 1,000 to 2,000;~~  
~~allows county clerks to combine voting precincts in all elections when the ballots~~  
~~for each precinct are identical;~~

▶ ~~allows 17 year olds to serve as election judges even if they will not be 18 by~~  
~~election day;~~

▶ ~~allows county clerks in fourth, fifth, and sixth class counties to combine voting~~  
~~precincts in all elections when the ballots for each precinct are identical; h and~~

▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:****AMENDS:**

**20A-5-303**, as last amended by Chapter 147, Laws of Utah 2003

**20A-5-601**, as last amended by Chapter 22, Laws of Utah 1999

h [~~20A-5-602, as last amended by Chapter 40, Laws of Utah 1998]~~ h

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



Section 1. Section **20A-5-303** is amended to read:

**20A-5-303. Establishing, dividing, abolishing, and changing voting precincts -- Common polling places -- Combined voting precincts -- Counties.**

(1) (a) ~~[The]~~ After receiving recommendations from the county clerk, the county legislative body may establish, divide, abolish, and change voting precincts.

(b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Automated Geographic Reference Center, created under Section 63A-6-202, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.

(2) (a) The county legislative body shall alter or divide voting precincts so that each voting precinct contains not more than ~~h [f] 1,000 [f] [2,000] h~~ active voters.

(b) The county legislative body shall:

(i) identify those precincts that may reach ~~h [f] 1,000 [f] [2,000] h~~ active voters or become too

large to facilitate the election process; and

(ii) divide those precincts before February 1.

(3) The county legislative body may not:

(a) establish or abolish any voting precinct after February 1[;] of a regular general election year; or

(b) alter or change the boundaries of any voting precinct after February 1[;] of a regular general election year.

(4) For the purpose of balloting on regular primary or regular general election day, the county legislative body may establish a common polling place for two or more whole voting precincts according to the following requirements:

(a) the total population of the voters authorized to vote at the common polling place may not exceed ~~[3,000]~~ 4,000 active voters; and

(b) the voting precincts voting at, and the location of, the common polling place shall be designated at least 90 days before the election.

(5) ~~h (a) h~~ In addition to the ~~[authorizations]~~ requirements contained in Subsection ~~h [f](4)[f] [3]h~~,

~~h [f] in regular primary elections only, [f] h~~ the county legislative body may combine voting precincts

and use one set of election judges for the combined precincts if the ballots for each of the combined precincts are identical.

58a h (b) NOTWITHSTANDING SUBSECTION (5)(a), THE COUNTY LEGISLATIVE BODY IN A FOURTH, h  
58b h FIFTH, OR SIXTH CLASS COUNTY MAY, IN ANY ELECTION, COMBINE VOTING PRECINCTS AND  
58c USE ONE SET OF ELECTION JUDGES FOR THE COMBINED PRECINCTS IF THE BALLOTS FOR EACH  
58d OF THE COMBINED PRECINCTS ARE IDENTICAL. h



Section 2. Section **20A-5-601** is amended to read:

**20A-5-601. Election judges -- Appointment for regular general elections and primary elections.**

(1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the county chair of each registered political party a list of the number of election judges that the party must nominate for each voting precinct.

(b) (i) By April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the county clerk containing, for each voting precinct, the names of registered voters in the county who are willing to be election judges and who are competent and trustworthy.

(ii) The county chair and secretary shall submit, for each voting precinct, names equal in number to the number required by the county clerk plus one.

(2) Each county legislative body shall provide for the appointment of persons to serve as election judges at the regular primary election, the regular general election, and the Western States Presidential Primary.

(3) For regular general elections, each county legislative body shall provide for the appointment of:

(a) (i) three registered voters from the list to serve as receiving judges for each voting precinct when ballots will be counted after the polls close; or

(ii) three registered voters from the list to serve as receiving judges in each voting precinct and three registered voters from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and

(b) three registered voters from the list for each 100 absentee ballots to be counted to serve as canvassing judges.

(4) For regular primary elections and for the Western States Presidential Primary election, each county legislative body shall provide for the appointment of:

(a) (i) two or three registered voters, or one or two registered voters and one person 17 years old ~~h~~ [f] **who will be 18 years old by the date of the next regular general election** [f] ~~h~~ ,  
from the

list to serve as receiving judges for each voting precinct when ballots will be counted after the polls close; or

(ii) two or three registered voters, or one or two registered voters and one person 17

90 years old **h [f] who will be 18 years old by the date of the next regular general election [f] h** ,  
90a from the  
91 list to serve as receiving judges in each voting precinct and two or three registered voters, or  
92 one or two registered voters and one person 17 years old **h [f] who will be 18 years old by the date**  
92a **of the next regular general election [f] h**  
93 , from the list to serve as counting judges in each voting  
94 precinct when ballots will be counted throughout election day; and  
95 (b) two or three registered voters, or one or two registered voters and one person 17  
96 years old **h [f] who will be 18 years old by the date of the next regular general election [f] h** ,  
96a from the  
97 list for each 100 absentee ballots to be counted to serve as canvassing judges.  
98 (5) Each county legislative body may provide for the appointment of:  
99 (a) three registered voters from the list to serve as inspecting judges at the regular  
100 general election to observe the clerk's receipt and deposit of the ballots for safekeeping; and  
101 (b) two or three registered voters, or one or two registered voters and one person 17  
102 years old **h [f] who will be 18 years old by the date of the next regular general election [f] h**,  
102a from the  
103 list to serve as inspecting judges at the regular primary election to observe the clerk's receipt  
104 and deposit of the ballots for safekeeping.  
105 (6) (a) For each set of three counting or receiving judges to be appointed for each  
106 voting precinct for the regular primary election, the regular general election, and the Western  
107 States Presidential Primary election, the county legislative body shall ensure that:  
108 (i) two judges are appointed from the political party that cast the highest number of  
109 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
110 excluding votes for unopposed candidates, in the voting precinct at the last regular general  
111 election before the appointment of the election judges; and  
112 (ii) one judge is appointed from the political party that cast the second highest number  
113 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
114 excluding votes for unopposed candidates, in the voting precinct at the last regular general  
115 election before the appointment of the election judges.  
116 (b) For each set of two counting or receiving judges to be appointed for each voting  
117 precinct for the regular primary election and Western States Presidential Primary election, the  
118 county legislative body shall ensure that:  
119 (i) one judge is appointed from the political party that cast the highest number of votes  
120 for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding

votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and

(ii) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges.

(7) When the voting precinct boundaries have been changed since the last regular general election, the county legislative body shall ensure that:

(a) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using three receiving, counting, and canvassing judges, and regular general election, not more than two of the judges are selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment; and

(b) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using two receiving, counting, and canvassing judges, not more than one of the judges is selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment.

(8) The county legislative body shall provide for the appointment of any qualified county voter as an election judge when:

(a) a political party fails to file the election judge list by the filing deadline; or

(b) the list is incomplete.

(9) A registered voter of the county may serve as an election judge in any voting precinct of the county.

(10) If a person serves as an election judge outside the voting precinct where the person is registered, that person may vote an absentee voter ballot.

(11) The county clerk shall fill all vacancies in the office of election judge.

(12) If a conflict arises over the right to certify the election judge lists for any political party, the county legislative body may decide between conflicting lists, but may only select names from a properly submitted list.

(13) The county legislative body shall establish compensation for election judges.

(14) The county clerk may appoint additional judges to serve in the polling place as needed.

h [Section 3. ~~Section 20A-5-602 is amended to read:~~

~~20A-5-602. Election judges -- Appointment for local elections.~~

~~(1) At least 15 days before the date scheduled for any local election, the municipal legislative body or special district board shall appoint or provide for the appointment of:~~

~~(a) in jurisdictions using paper ballots:~~

~~(i) three registered voters, or two registered voters and one person 17 years old [who will be 18 years old by the date of the regular municipal election], from their jurisdiction to serve as election judges for each voting precinct when the ballots will be counted after the polls close; or~~

~~(ii) three registered voters, or two registered voters and one person 17 years old [who will be 18 years old by the date of the regular municipal election], from their jurisdiction to serve as receiving judges in each voting precinct and three registered voters, or two registered voters and one person 17 years old [who will be 18 years old by the date of the regular municipal election], from their jurisdiction to serve as counting judges in each voting precinct when ballots will be counted throughout election day;~~

~~(b) in jurisdictions using automated tabulating equipment, three registered voters, or two registered voters and one person 17 years old [who will be 18 years old by the date of the regular municipal election], from their jurisdiction to serve as election judges for each voting precinct;~~

~~(c) in jurisdictions using voting machines, four registered voters, or three registered voters and one person 17 years old [who will be 18 years old by the date of the regular municipal election], from their jurisdiction to serve as election judges for each voting precinct; and~~

~~(d) in all jurisdictions:~~

~~(i) at least one registered voter from their jurisdiction to serve as canvassing judge, if necessary; and~~

~~(ii) as many alternate judges as needed to replace appointed judges who are unable to serve.] h~~

183           ~~h [(2) The municipal legislative body and special district board may not appoint any~~  
184 ~~candidate's parent, sibling, spouse, child, or in-law to serve as an election judge in the voting~~  
185 ~~precinct where the candidate resides.~~  
186           ~~—— (3) The clerk shall:~~  
187 ~~—— (a) prepare and file a list containing the name, address, voting precinct, and telephone~~  
188 ~~number of each person appointed; and~~  
189 ~~—— (b) make the list available in the clerk's office for inspection, examination, and copying~~  
190 ~~during business hours.~~  
191           ~~—— (4) (a) The municipal legislative body and special district board shall compensate~~  
192 ~~election judges for their services.~~  
193 ~~—— (b) The municipal legislative body and special district board may not compensate their~~  
194 ~~election judges at a rate higher than that paid by the county to its election judges.] h~~

195           Section ~~h [4]~~ 3 ~~h~~ . Effective date.

196           If approved by two-thirds of all the members elected to each house, this bill takes effect  
197 upon approval by the governor, or the day following the constitutional time limit of Utah  
198 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
199 the date of veto override.

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**Legislative Review Note**  
as of 10-2-03 9:44 AM

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

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 11-12-03 4:35 PM

The Government Operations Interim Committee recommended this bill.