ELECTION LAW AMENDMENTS

2003 SECOND SPECIAL SESSION

STATE OF UTAH

Sponsor: Loraine T. Pace

LONG TITLE

General Description:

This bill amends provisions governing voting precincts.

Highlighted Provisions:

This bill:

▸ 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; 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

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 1,000 active voters.

(b) The county legislative body shall:

(i) identify those precincts that may reach 1,000 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) (a) In addition to the [authorizations] requirements contained in Subsection (4), in

regular primary elections only, 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.

(b) Notwithstanding Subsection (5)(a), the county legislative body in a fourth, fifth, or

sixth class county may, in any election, 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.

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 who will be 18 years old by the date of the next regular general election, 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 years old who will be 18 years old by the date of the next regular general election, from the list to serve as receiving judges in each voting precinct and two or three registered voters, or one or two registered voters and one person 17 years old who will be 18 years old by the date of the next regular general election, from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and

(b) two or three registered voters, or one or two registered voters and one person 17 years old who will be 18 years old by the date of the next regular general election, from the list for each 100 absentee ballots to be counted to serve as canvassing judges.

(5) Each county legislative body may provide for the appointment of:

(a) three registered voters from the list to serve as inspecting judges at the regular general election to observe the clerk's receipt and deposit of the ballots for safekeeping; and

(b) two or three registered voters, or one or two registered voters and one person 17 years old who will be 18 years old by the date of the next regular general election, from the list to serve as inspecting judges at the regular primary election to observe the clerk's receipt and deposit of the ballots for safekeeping.

(6) (a) For each set of three counting or receiving judges to be appointed for each voting precinct for the regular primary election, the regular general election, and the Western States Presidential Primary election, the county legislative body shall ensure that:

(i) two judges are appointed from the political party that cast the 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; 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.

(b) For each set of two counting or receiving judges to be appointed for each voting precinct for the regular primary election and Western States Presidential Primary election, the county legislative body shall ensure that:

(i) one judge is appointed from the political party that cast the 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; 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.

Section 3. **Effective date.**

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