

WESTERN STATES PRESIDENTIAL

PREFERENCE POLL

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas C. Aagard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies procedures in the Election Code in relation to conducting presidential primaries.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ changes the name of Utah's Western States Presidential Primary to Utah's Western States Presidential Preference Poll;
- ▶ provides that political parties, rather than county clerks, shall administer the presidential preference poll;
- ▶ provides that absentee ballots will not be used in the presidential preference poll;
- ▶ eliminates canvassing requirements and procedures and provides that political parties shall count and announce poll results;
- ▶ eliminates the requirement for county legislative bodies to provide poll workers for the preference poll;
- ▶ requires the lieutenant governor to provide funding to each registered political party that makes a timely:
 - declaration that it will participate in the preference poll;
 - certification that it will comply with certain basic procedures and requirements



- 28 for conducting the preference poll; and
- 29 • submission of a copy of provisions of the party's bylaws that govern those
 - 30 procedures and requirements of certain expenses;
 - 31 ▶ requires parties to submit a list of expenses to the lieutenant governor with a request
 - 32 for reimbursement of certain expenses;
 - 33 ▶ provides a formula for determining the amount of reimbursements provided to each
 - 34 participating registered political party;
 - 35 ▶ deletes provisions related to county clerks' responsibilities for declarations of
 - 36 candidacy, satellite registration, closed primaries, ballots, voting precincts, and
 - 37 voting and canvassing procedures; and
 - 38 ▶ makes technical changes.

39 **Monies Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **11-14-203**, as renumbered and amended by Chapter 105, Laws of Utah 2005
- 46 **20A-1-102**, as last amended by Chapters 16, 264 and 326, Laws of Utah 2006
- 47 **20A-1-201.5**, as last amended by Chapter 355, Laws of Utah 2006
- 48 **20A-1-204**, as last amended by Chapter 371, Laws of Utah 2004
- 49 **20A-3-101**, as last amended by Chapter 177, Laws of Utah 2002
- 50 **20A-3-201**, as last amended by Chapter 326, Laws of Utah 2006
- 51 **20A-3-304**, as last amended by Chapter 195, Laws of Utah 2004
- 52 **20A-4-301**, as last amended by Chapter 355, Laws of Utah 2006
- 53 **20A-4-304**, as last amended by Chapters 326 and 355, Laws of Utah 2006
- 54 **20A-4-306**, as last amended by Chapter 355, Laws of Utah 2006
- 55 **20A-4-401**, as last amended by Chapter 105, Laws of Utah 2005
- 56 **20A-5-102**, as last amended by Chapter 116, Laws of Utah 2003
- 57 **20A-5-401**, as last amended by Chapters 264 and 326, Laws of Utah 2006
- 58 **20A-5-601**, as last amended by Chapter 1, Laws of Utah 2003, Second Special Session

59 20A-9-801, as enacted by Chapter 22, Laws of Utah 1999
60 20A-9-802, as last amended by Chapter 355, Laws of Utah 2006

61 ENACTS:

62 20A-9-810, Utah Code Annotated 1953

63 REPEALS:

64 20A-9-202.5, as enacted by Chapter 22, Laws of Utah 1999
65 20A-9-803, as last amended by Chapter 355, Laws of Utah 2006
66 20A-9-804, as last amended by Chapter 355, Laws of Utah 2006
67 20A-9-805, as enacted by Chapter 22, Laws of Utah 1999
68 20A-9-806, as last amended by Chapter 326, Laws of Utah 2006
69 20A-9-807, as enacted by Chapter 22, Laws of Utah 1999
70 20A-9-808, as last amended by Chapters 264 and 326, Laws of Utah 2006
71 20A-9-809, as enacted by Chapter 22, Laws of Utah 1999

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

74 Section 1. Section 11-14-203 is amended to read:

75 **11-14-203. Time for election -- Equipment -- Election officials -- Combining**
76 **precincts.**

77 (1) (a) The local political subdivision shall ensure that bond elections are conducted
78 and administered according to the procedures set forth in this chapter and the sections of the
79 Election Code specifically referenced by this chapter.

80 (b) When a local political subdivision complies with those procedures, there is a
81 presumption that the bond election was properly administered.

82 (2) (a) A bond election may be held, and the proposition for the issuance of bonds may
83 be submitted, on the same date as any general or municipal election held in the local political
84 subdivision calling the bond election, or at a special election called for the purpose on a date
85 authorized by Section 20A-1-204.

86 (b) A bond election may not be held, nor a proposition for issuance of bonds be
87 submitted, [at] on the date of the Western States Presidential [~~Primary election~~] Preference Poll
88 established in Title 20A, Chapter 9, Part 8, Western States Presidential [~~Primary~~] Preference
89 Poll.

90 (3) (a) The bond election shall be conducted and administered by the election officer
91 designated in Sections 20A-1-102 and 20A-5-400.5.

92 (b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part
93 4, Election Officer's Duties.

94 (ii) The publishing requirement under Subsection 20A-5-405(1)(j)(iii) does not apply
95 when notice of a bond election has been provided according to the requirements of Section
96 11-14-202.

97 (c) The hours during which the polls are to be open shall be consistent with Section
98 20A-1-302.

99 (d) The appointment and duties of election judges shall be governed by Title 20A,
100 Chapter 5, Part 6, Election Judges.

101 (e) General voting procedures shall be conducted according to the requirements of Title
102 20A, Chapter 3, Voting.

103 (f) The designation of election crimes and offenses, and the requirements for the
104 prosecution and adjudication of those crimes and offenses are set forth in Title 20A, Election
105 Code.

106 (4) When a bond election is being held on a day when no other election is being held in
107 the local political subdivision calling the bond election, voting precincts may be combined for
108 purposes of bond elections so long as no voter is required to vote outside the county in which
109 the voter resides.

110 (5) When a bond election is being held on the same day as any other election held in a
111 local political subdivision calling the bond election, or in some part of that local political
112 subdivision, the polling places and election officials serving for the other election may also
113 serve as the polling places and election officials for the bond election, so long as no voter is
114 required to vote outside the county in which the voter resides.

115 Section 2. Section **20A-1-102** is amended to read:

116 **20A-1-102. Definitions.**

117 As used in this title:

118 (1) "Active voter" means a registered voter who has not been classified as an inactive
119 voter by the county clerk.

120 (2) "Automatic tabulating equipment" means apparatus that automatically examines

121 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

122 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon
123 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
124 secrecy envelopes.

125 (4) "Ballot sheet":

126 (a) means a ballot that:

127 (i) consists of paper or a card where the voter's votes are marked or recorded; and

128 (ii) can be counted using automatic tabulating equipment; and

129 (b) includes punch card ballots, and other ballots that are machine-countable.

130 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
131 contain the names of offices and candidates and statements of ballot propositions to be voted
132 on and which are used in conjunction with ballot sheets that do not display that information.

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

136 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
137 20A-4-306 to canvass election returns.

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

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

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

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

146 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
147 the canvass.

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

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

152 (15) "Counting judge" means a poll worker designated to count the ballots during
153 election day.

154 (16) "Counting poll watcher" means a person selected as provided in Section
155 20A-3-201 to witness the counting of ballots.

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

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

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

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

163 (21) "Election" means a regular general election, a municipal general election, a
164 statewide special election, a local special election, a regular primary election, a municipal
165 primary election, and a special district election.

166 (22) "Election Assistance Commission" means the commission established by Public
167 Law 107-252, the Help America Vote Act of 2002.

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

170 (24) "Election judge" means each canvassing judge, counting judge, and receiving
171 judge.

172 (25) "Election officer" means:

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

174 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
175 as provided in Section 20A-5-400.5;

176 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
177 provided in Section 20A-5-400.5;

178 (d) the special district clerk or chief executive officer for certain ballots and elections
179 as provided in Section 20A-5-400.5; and

180 (e) the business administrator or superintendent of a school district for certain ballots
181 or elections as provided in Section 20A-5-400.5.

182 (26) "Election official" means any election officer, election judge, poll worker, or

183 satellite registrar.

184 (27) "Election results" means, for bond elections, the count of those votes cast for and
185 against the bond proposition plus any or all of the election returns that the board of canvassers
186 may request.

187 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
188 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
189 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
190 spoiled ballots, the ballot disposition form, and the total votes cast form.

191 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
192 device or other voting device that records and stores ballot information by electronic means.

193 (30) "Electronic voting system" means a system in which a voting device is used in
194 conjunction with ballots so that votes recorded by the voter are counted and tabulated by
195 automatic tabulating equipment.

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

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

200 (33) "Judicial office" means the office filled by any judicial officer.

201 (34) "Judicial officer" means any justice or judge of a court of record or any county
202 court judge.

203 (35) "Local election" means a regular municipal election, a local special election, a
204 special district election, and a bond election.

205 (36) "Local political subdivision" means a county, a municipality, a special district, or
206 a local school district.

207 (37) "Local special election" means a special election called by the governing body of a
208 local political subdivision in which all registered voters of the local political subdivision may
209 vote.

210 (38) "Municipal executive" means:

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

213 (b) the mayor in the council-mayor optional form of government defined in Section

214 10-3-101; and

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

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

220 (40) "Municipal legislative body" means:

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

223 (b) the municipal council in the council-mayor optional form of government defined in
224 Section 10-3-101; and

225 (c) the municipal council in the council-manager optional form of government defined
226 in Section 10-3-101.

227 (41) "Municipal officers" means those municipal officers that are required by law to be
228 elected.

229 (42) "Municipal primary election" means an election held to nominate candidates for
230 municipal office.

231 (43) "Official ballot" means the ballots distributed by the election officer to the poll
232 workers to be given to voters to record their votes.

233 (44) "Official endorsement" means:

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

235 (i) the ballot as an official ballot;

236 (ii) the date of the election; and

237 (iii) the facsimile signature of the election officer; and

238 (b) the information on the ballot stub that identifies:

239 (i) the poll worker's initials; and

240 (ii) the ballot number.

241 (45) "Official register" means the official record furnished to election officials by the
242 election officer that contains the information required by Section 20A-5-401.

243 (46) "Paper ballot" means a paper that contains:

244 (a) the names of offices and candidates and statements of ballot propositions to be

245 voted on; and

246 (b) spaces for the voter to record his vote for each office and for or against each ballot
247 proposition.

248 (47) "Political party" means an organization of registered voters that has qualified to
249 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
250 Formation and Procedures.

251 (48) (a) "Poll worker" means a person assigned by an election official to assist with an
252 election, voting, or counting votes.

253 (b) "Poll worker" includes election judges.

254 (c) "Poll worker" does not include a watcher.

255 (49) "Pollbook" means a record of the names of voters in the order that they appear to
256 cast votes.

257 (50) "Polling place" means the building where voting is conducted.

258 (51) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
259 in which the voter marks his choice.

260 (52) "Provisional ballot" means a ballot voted provisionally by a person:

261 (a) whose name is not listed on the official register at the polling place;

262 (b) whose legal right to vote is challenged as provided in this title; or

263 (c) whose identity was not sufficiently established by an election judge.

264 (53) "Provisional ballot envelope" means an envelope printed in the form required by
265 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
266 verify a person's legal right to vote.

267 (54) "Primary convention" means the political party conventions at which nominees for
268 the regular primary election are selected.

269 (55) "Protective counter" means a separate counter, which cannot be reset, that is built
270 into a voting machine and records the total number of movements of the operating lever.

271 (56) "Qualify" or "qualified" means to take the oath of office and begin performing the
272 duties of the position for which the person was elected.

273 (57) "Receiving judge" means the poll worker that checks the voter's name in the
274 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
275 after the voter has voted.

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

278 (59) "Registration form" means a book voter registration form and a by-mail voter
279 registration form.

280 (60) "Regular ballot" means a ballot that is not a provisional ballot.

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

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

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

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

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

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

294 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into
295 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
296 voter's vote.

297 (68) "Special district" means those local government entities created under the
298 authority of Title 17A.

299 (69) "Special district officers" means those special district officers that are required by
300 law to be elected.

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

302 (71) "Spoiled ballot" means each ballot that:

303 (a) is spoiled by the voter;

304 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

305 (c) lacks the official endorsement.

306 (72) "Statewide special election" means a special election called by the governor or the

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

308 (73) "Stub" means the detachable part of each ballot.

309 (74) "Substitute ballots" means replacement ballots provided by an election officer to
310 the poll workers when the official ballots are lost or stolen.

311 (75) "Ticket" means each list of candidates for each political party or for each group of
312 petitioners.

313 (76) "Transfer case" means the sealed box used to transport voted ballots to the
314 counting center.

315 (77) "Vacancy" means the absence of a person to serve in any position created by
316 statute, whether that absence occurs because of death, disability, disqualification, resignation,
317 or other cause.

318 (78) "Valid voter identification" means:

319 (a) a form of identification that bears the name and photograph of the voter which may
320 include:

321 (i) a currently valid Utah driver license;

322 (ii) a currently valid identification card that is issued by:

323 (A) the state;

324 (B) a local government within the state; or

325 (C) a branch, department, or agency of the United States;

326 (iii) an identification card that is issued by an employer for an employee;

327 (iv) a currently valid identification card that is issued by a college, university, technical
328 school, or professional school that is located within the state;

329 (v) a currently valid Utah permit to carry a concealed weapon;

330 (vi) a currently valid United States passport; or

331 (vii) a valid tribal identification card; or

332 (b) two forms of identification that bear the name of the voter and provide evidence
333 that the voter resides in the voting precinct, which may include:

334 (i) a voter identification card;

335 (ii) a current utility bill or a legible copy thereof;

336 (iii) a bank or other financial account statement, or a legible copy thereof;

337 (iv) a certified birth certificate;

- 338 (v) a valid Social Security card;
- 339 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 340 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 341 (viii) a currently valid Utah hunting or fishing license;
- 342 (ix) a currently valid United States military identification card;
- 343 (x) certified naturalization documentation;
- 344 (xi) a currently valid license issued by an authorized agency of the United States;
- 345 (xii) a certified copy of court records showing the voter's adoption or name change;
- 346 (xiii) a Bureau of Indian Affairs card;
- 347 (xiv) a tribal treaty card;
- 348 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 349 (xvi) a form of identification listed in Subsection [~~(76)~~ (78)(a) that does not contain a
- 350 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 351 in the voting precinct.

352 (79) "Valid write-in candidate" means a candidate who has qualified as a write-in
353 candidate by following the procedures and requirements of this title.

354 (80) "Voter" means a person who meets the requirements for voting in an election,
355 meets the requirements of election registration, is registered to vote, and is listed in the official
356 register book.

357 (81) "Voter registration deadline" means the registration deadline provided in Section
358 20A-2-102.5.

359 (82) "Voting area" means the area within six feet of the voting booths, voting
360 machines, and ballot box.

361 (83) "Voting booth" means:

362 (a) the space or compartment within a polling place that is provided for the preparation
363 of ballots, including the voting machine enclosure or curtain; or

364 (b) a voting device that is free standing.

365 (84) "Voting device" means:

366 (a) an apparatus in which ballot sheets are used in connection with a punch device for
367 piercing the ballots by the voter;

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

369 (c) a device used to make selections and cast a ballot electronically, or any component
370 thereof;

371 (d) an automated voting system under Section 20A-5-302; or

372 (e) any other method for recording votes on ballots so that the ballot may be tabulated
373 by means of automatic tabulating equipment.

374 (85) "Voting machine" means a machine designed for the sole purpose of recording
375 and tabulating votes cast by voters at an election.

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

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

380 (88) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
381 poll watcher, and a testing watcher.

382 (89) "Western States Presidential [~~Primary~~] Preference Poll" means the [~~election~~]
383 preference poll established in Title 20A, Chapter 9, Part 8.

384 (90) "Write-in ballot" means a ballot containing any write-in votes.

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

387 Section 3. Section **20A-1-201.5** is amended to read:

388 **20A-1-201.5. Primary election dates.**

389 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
390 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
391 national, state, school board, and county offices.

392 (2) A municipal primary election shall be held, if necessary, on the Tuesday following
393 the first Monday in October before the regular municipal election to nominate persons for
394 municipal and special district offices.

395 [~~(3) The Western States Presidential Primary election shall be held throughout the state
396 on the first Tuesday in February in the year in which a presidential election will be held.]~~

397 Section 4. Section **20A-1-204** is amended to read:

398 **20A-1-204. Date of special election -- Legal effect.**

399 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision

400 calling a statewide special election or local special election under Section 20A-1-203 shall
401 schedule the special election to be held on:

- 402 (i) the fourth Tuesday in June; or
- 403 (ii) the first Tuesday after the first Monday in November.

404 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
405 body of a local political subdivision calling a statewide special election or local special election
406 under Section 20A-1-203 may not schedule a special election to be held on any other date.

407 (c) (i) Notwithstanding the requirements of Subsection (1)(b), the legislative body of a
408 local political subdivision may call a local special election on a date other than those specified
409 in this section if the legislative body:

410 (A) determines and declares that there is a disaster, as defined in Section 63-5-2,
411 requiring that a special election be held on a date other than the ones authorized in statute;

412 (B) identifies specifically the nature of the disaster, as defined in Section 63-5-2, and
413 the reasons for holding the special election on that other date; and

414 (C) votes unanimously to hold the special election on that other date.

415 (ii) The legislative body of a local political subdivision may not call a local special
416 election for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential
417 ~~[Primary]~~ Preference Poll, for Utah's Western States Presidential ~~[Primary]~~ Preference Poll.

418 (d) Nothing in this section prohibits:

419 (i) the governor or Legislature from submitting a matter to the voters at the regular
420 general election if authorized by law; or

421 (ii) a local government from submitting a matter to the voters at the regular municipal
422 election if authorized by law.

423 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
424 special election within a county on the same day as:

- 425 (i) another special election;
- 426 (ii) a regular general election; or
- 427 (iii) a municipal general election.

428 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

429 (i) polling places;

430 (ii) ballots;

- 431 (iii) election officials; and
- 432 (iv) other administrative and procedural matters connected with the election.

433 Section 5. Section **20A-3-101** is amended to read:

434 **20A-3-101. Residency and age requirements of voters.**

435 (1) A person may vote in any regular general election or statewide special election if
436 that person:

- 437 (a) is a citizen of the United States;
- 438 (b) is a resident of Utah;
- 439 (c) will, on the date of that election:
 - 440 (i) be at least 18 years old; and
 - 441 (ii) have been a resident of Utah for 30 days immediately before that election; and
- 442 (d) has registered to vote.

443 (2) A person may vote in [~~the Western States Presidential Primary election or~~] a
444 regular primary election if that person:

- 445 (a) is a citizen of the United States;
- 446 (b) is a resident of Utah;
- 447 (c) will, on the date of that election:
 - 448 (i) be at least 18 years old; and
 - 449 (ii) have been a resident of Utah for 30 days immediately before that election;
- 450 (d) has registered to vote; and
- 451 (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in
452 the election.

453 (3) A person may vote in a municipal general election, municipal primary, in a local
454 special election, in a special district election, and in a bond election if that person:

- 455 (a) is a citizen of the United States;
- 456 (b) is a resident of Utah;
- 457 (c) is a resident of the local entity that is holding the election;
- 458 (d) will, on the date of the election:
 - 459 (i) be at least 18 years old; and
 - 460 (ii) have been a resident of Utah for 30 days immediately before the election; and
- 461 (e) has registered to vote.

462 Section 6. Section **20A-3-201** is amended to read:

463 **20A-3-201. Watchers.**

464 (1) (a) (i) For each regular general election or statewide special election, and for each
465 regular primary [~~and Western States Presidential Primary~~] election, each registered political
466 party and any person interested in a ballot proposition appearing on the ballot may appoint one
467 person to act as a voting poll watcher to observe the casting of ballots, another person to act as
468 a counting poll watcher to observe the counting of ballots, and another person to act as an
469 inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

470 (ii) Each party poll watcher shall be designated, and his selection made known to the
471 poll workers, by an affidavit made by the county chair of each of the parties.

472 (iii) Each issue poll watcher shall be designated, and his selection made known to the
473 poll workers, by an affidavit made by the individual appointing him.

474 (b) (i) For each municipal general election, municipal primary, local special election, or
475 bond election that uses paper ballots, each candidate and any person interested in an issue
476 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
477 casting of ballots, another person to act as a counting poll watcher to observe the counting of
478 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
479 observe the securing of ballot packages.

480 (ii) For each municipal general election, municipal primary, local special election, or
481 bond election that uses ballot sheets, each candidate and any person interested in an issue
482 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
483 casting of ballots, another person to act as a counting poll watcher to observe the counting of
484 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
485 observe the securing of ballot packages.

486 (iii) Each candidate poll watcher shall be designated, and his selection made known to
487 the poll workers, by an affidavit made by the candidate appointing him.

488 (iv) Each issue poll watcher shall be designated, and his selection made known to the
489 poll workers, by an affidavit made by the individual appointing him.

490 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
491 absent, that poll watcher may substitute some other watcher of similar political beliefs by
492 informing the poll workers of the substitution by affidavit.

493 (3) Voting poll watchers may watch and observe the voting process, and may make a
494 written memorandum, but they may not interfere in any way with the process of voting except
495 to challenge a voter as provided in this part.

496 (4) The counting poll watcher shall remain in the counting room, except in the case of
497 necessity, until the close of the polls and may not divulge the progress of the count until the
498 count is completed.

499 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
500 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other
501 information about the count.

502 (b) Any person who violates this Subsection is guilty of a third degree felony.

503 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
504 whom ballots are delivered after elections to:

505 (a) inspect the condition of the packages containing the ballots upon their arrival; and

506 (b) observe the placement of these packages in a safe and secure place.

507 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any
508 interested person may act as a testing watcher to observe a demonstration of logic and accuracy
509 testing of the voting devices prior to the commencement of voting.

510 (b) The election officer shall give prior notice of the logic and accuracy testing
511 demonstration at least two days prior to the date of the demonstration by publishing notice of
512 the date, time, and location of the demonstration in at least one newspaper of general
513 circulation in the jurisdiction holding the election.

514 (c) An election official shall provide, upon request, a copy of testing results to a testing
515 watcher.

516 Section 7. Section **20A-3-304** is amended to read:

517 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

518 (1) Any registered voter who wishes to vote an absentee ballot may either:

519 (a) file an absentee ballot application with the appropriate election officer for an
520 official absentee ballot as provided in this section; or

521 (b) vote in person at the office of the appropriate election officer as provided in Section
522 20A-3-306.

523 (2) (a) Except as provided in Subsection (2)(b), each election officer shall prepare

524 blank applications for absentee ballot applications in substantially the following form:

525 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
526 apply for an official absentee ballot to be voted by me at the election.

527 Date _____ (month\day\year) Signed _____

528 Voter"

529 (b) Each election officer shall prepare blank applications for absentee ballot
530 applications for regular primary elections and for the Western States Presidential Primary in
531 substantially the following form:

532 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
533 apply for an official absentee ballot for the _____ political party to be voted by me
534 at the primary election.

535 I understand that I must be affiliated with or authorized to vote the political party's
536 ballot that I request.

537 Dated _____ (month\day\year) _____ Signed _____

538 Voter"

539 (c) If requested by the applicant, the election officer shall:

540 (i) mail or fax the application blank to the absentee voter; or

541 (ii) deliver the application blank to any voter who personally applies for it at the office
542 of the election officer.

543 (3) (a) (i) Except as provided in [~~Subsections~~] Subsection (3)(a)(ii) [~~and (iii)~~], the
544 voters shall file the application for an absentee ballot with the appropriate election officer no
545 later than the Friday before election day.

546 (ii) Overseas applicants shall file their applications with the appropriate election officer
547 no later than 20 days before the day of election.

548 [~~(iii) Voters applying for an absentee ballot for the Western States Presidential Primary
549 shall file the application for an absentee ballot with the appropriate election officer not later
550 than the Tuesday before election day.]~~

551 (b) Persons voting an absentee ballot at the office of the election officer shall apply for
552 and cast their ballot no later than the day before the election.

553 (4) (a) A county clerk may establish a permanent absentee voter list.

554 (b) The clerk shall place on the list the name of any person who:

- 555 (i) requests permanent absentee voter status; and
556 (ii) meets the requirements of this section.
557 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on
558 the absentee voter list.
559 (ii) The questionnaire shall allow the absentee person to verify the voter's residence.
560 (iii) The clerk may remove the names of any voter from the absentee voter registration
561 list if:
562 (A) the voter is no longer listed in the official register; or
563 (B) the voter fails to verify the voter's residence and absentee status.
564 (d) The clerk shall provide a copy of the permanent absentee voter list to election
565 officers for use in elections.

566 Section 8. Section **20A-4-301** is amended to read:

567 **20A-4-301. Board of canvassers.**

568 (1) (a) Each county legislative body is the board of county canvassers for:

- 569 (i) the county; and
570 (ii) each special district whose election is conducted by the county.

571 (b) ~~[(i) Except as provided in Subsection (1)(b)(ii), the]~~ The board of county canvassers
572 shall meet to canvass the returns at the usual place of meeting of the county legislative body, at
573 a date and time determined by the county clerk that is no sooner than seven days after the
574 election and no later than 14 days after the election.

575 ~~[(ii) When canvassing returns for the Western States Presidential Primary, the board of~~
576 ~~county canvassers shall meet to canvass the returns at the usual place of meeting of the county~~
577 ~~legislative body, at noon on the Tuesday after the election.]~~

578 (c) If one or more of the county legislative body fails to attend the meeting of the board
579 of county canvassers, the remaining members shall replace the absent member by appointing in
580 the order named:

- 581 (i) the county treasurer;
582 (ii) the county assessor; or
583 (iii) the county sheriff.
584 (d) The board of county canvassers shall always consist of three acting members.
585 (e) The county clerk is the clerk of the board of county canvassers.

586 (2) (a) The mayor and the municipal legislative body are the board of municipal
587 canvassers for the municipality.

588 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
589 place of meeting of the municipal legislative body:

590 (i) for canvassing of returns from a municipal general election, no sooner than seven
591 days after the election and no later than 14 days after the election; or

592 (ii) for canvassing of returns from a municipal primary election, no sooner than three
593 days after the election and no later than seven days after the election.

594 (3) (a) The legislative body of the entity authorizing a bond election is the board of
595 canvassers for each bond election.

596 (b) The board of canvassers for the bond election shall comply with the canvassing
597 procedures and requirements of Section 11-14-207.

598 Section 9. Section **20A-4-304** is amended to read:

599 **20A-4-304. Declaration of results -- Canvassers' report.**

600 (1) Each board of canvassers shall:

601 (a) declare "elected" or "nominated" those persons who:

602 (i) had the highest number of votes; and

603 (ii) sought election or nomination to an office completely within the board's
604 jurisdiction;

605 (b) declare:

606 (i) "approved" those ballot propositions that:

607 (A) had more "yes" votes than "no" votes; and

608 (B) were submitted only to the voters within the board's jurisdiction;

609 (ii) "rejected" those ballot propositions that:

610 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
611 votes; and

612 (B) were submitted only to the voters within the board's jurisdiction;

613 (c) certify the vote totals for persons and for and against ballot propositions that were
614 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
615 the lieutenant governor; and

616 (d) if applicable, certify the results of each special district election to the special district

617 clerk.

618 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
619 result, which shall contain:

620 (i) the total number of votes cast in the board's jurisdiction;

621 (ii) the names of each candidate whose name appeared on the ballot;

622 (iii) the title of each ballot proposition that appeared on the ballot;

623 (iv) each office that appeared on the ballot;

624 (v) from each voting precinct:

625 (A) the number of votes for each candidate; and

626 (B) the number of votes for and against each ballot proposition;

627 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
628 for and against each ballot proposition; and

629 (vii) a statement certifying that the information contained in the report is accurate.

630 (b) The election officer and the board of canvassers shall:

631 (i) review the report to ensure that it is correct; and

632 (ii) sign the report.

633 (c) The election officer shall:

634 (i) record or file the certified report in a book kept for that purpose;

635 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
636 to each nominated or elected candidate;

637 (iii) publish a copy of the certified report in a newspaper with general circulation in the
638 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and

639 (iv) file a copy of the certified report with the lieutenant governor.

640 (3) When there has been a regular general or a statewide special election for statewide
641 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
642 or more county ballot proposition, each board of canvassers shall:

643 (a) prepare a separate report detailing the number of votes for each candidate and the
644 number of votes for and against each ballot proposition; and

645 (b) transmit it by registered mail to the lieutenant governor.

646 (4) In each county election, municipal election, school election, special district
647 election, and local special election, the election officer shall transmit the reports to the

648 lieutenant governor within 14 days after the date of the election.

649 (5) In regular primary elections [~~and in the Western States Presidential Primary~~], the
650 board shall transmit:

651 (a) the county totals for multi-county races to the lieutenant governor[~~:(a) the county~~
652 ~~totals for multi-county races, to~~], which shall be telephoned or faxed to the lieutenant
653 governor[~~:(i)~~] not later than the second Tuesday after the primary election [~~for the regular~~
654 ~~primary election~~]; and

655 [~~(ii) not later than the Tuesday following the election for the Western States~~
656 ~~Presidential Primary; and~~]

657 (b) a complete tabulation showing voting totals for all primary races, precinct by
658 precinct, [~~to be~~] which shall be mailed to the lieutenant governor on or before the third Friday
659 following the primary election.

660 Section 10. Section **20A-4-306** is amended to read:

661 **20A-4-306. Statewide canvass.**

662 (1) (a) The state board of canvassers shall convene:

663 (i) on the fourth Monday of November, at noon; or

664 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
665 returns of a statewide special election.

666 (b) The state auditor, the state treasurer, and the attorney general are the state board of
667 canvassers.

668 (2) (a) The state board of canvassers shall:

669 (i) meet in the lieutenant governor's office; and

670 (ii) compute and determine the vote for officers and for and against any ballot
671 propositions voted upon by the voters of the entire state or of two or more counties.

672 (b) The lieutenant governor, as secretary of the board shall file a report in his office
673 that details:

674 (i) for each statewide officer and ballot proposition:

675 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

676 (B) the candidates for each statewide office whose names appeared on the ballot, plus
677 any recorded write-in candidates;

678 (C) the number of votes from each county cast for each candidate and for and against

- 679 each ballot proposition;
- 680 (D) the total number of votes cast statewide for each candidate and for and against each
681 ballot proposition; and
- 682 (E) the total number of votes cast statewide; and
- 683 (ii) for each officer or ballot proposition voted on in two or more counties:
- 684 (A) the name of each of those offices and ballot propositions that appeared on the
685 ballot;
- 686 (B) the candidates for those offices, plus any recorded write-in candidates;
- 687 (C) the number of votes from each county cast for each candidate and for and against
688 each ballot proposition; and
- 689 (D) the total number of votes cast for each candidate and for and against each ballot
690 proposition.
- 691 (c) The lieutenant governor shall:
- 692 (i) prepare certificates of election for:
- 693 (A) each successful candidate; and
- 694 (B) each of the presidential electors of the candidate for president who received a
695 majority of the votes;
- 696 (ii) authenticate each certificate with his seal; and
- 697 (iii) deliver a certificate of election to:
- 698 (A) each candidate who had the highest number of votes for each office; and
- 699 (B) each of the presidential electors of the candidate for president who received a
700 majority of the votes.
- 701 (3) If the lieutenant governor has not received election returns from all counties on the
702 fifth day before the day designated for the meeting of the state board of canvassers, the
703 lieutenant governor shall:
- 704 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
705 county;
- 706 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
707 required by Section 20A-4-304 from the clerk; and
- 708 (c) pay the messenger the per diem provided by law as compensation.
- 709 (4) The state board of canvassers may not withhold the declaration of the result or any

710 certificate of election because of any defect or informality in the returns of any election if the
711 board can determine from the returns, with reasonable certainty, what office is intended and
712 who is elected to it.

713 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
714 governor shall:

715 (i) canvass the returns for all multicounty candidates required to file with the office of
716 the lieutenant governor; and

717 (ii) publish and file the results of the canvass in the lieutenant governor's office.

718 (b) The lieutenant governor shall certify the results of the primary canvass to the
719 county clerks not later than the August 1 after the primary election.

720 [~~(6) (a) At noon on the Tuesday that falls two weeks after the Western States
721 Presidential Primary election, the lieutenant governor shall:]~~

722 [~~(i) canvass the returns; and]~~

723 [~~(ii) publish and file the results of the canvass in the lieutenant governor's office.]~~

724 [~~(b) The lieutenant governor shall certify the results of the Western States Presidential
725 Primary canvass to each registered political party that participated in the primary not later than
726 the April 15 after the primary election, or the following business day if April 15 falls on a
727 Saturday, Sunday, or a holiday.]~~

728 Section 11. Section **20A-4-401** is amended to read:

729 **20A-4-401. Recounts -- Procedure.**

730 (1) (a) (i) For any regular primary, regular general, or municipal general election, [~~or
731 the Western States Presidential primary;~~] when any candidate loses by not more than a total of
732 one vote per voting precinct, the candidate may file a request for a recount within seven days
733 after the canvass with:

734 (A) the municipal clerk, if the election is a municipal election;

735 (B) the special district clerk, if the election is a special district election;

736 (C) the county clerk, for races or ballot propositions voted on entirely within a single
737 county; or

738 (D) the lieutenant governor, for statewide races and ballot propositions and for
739 multicounty races and ballot propositions.

740 (ii) For any municipal primary election, when any candidate loses by not more than a

741 total of one vote per voting precinct, the candidate may file a request for a recount with the
742 appropriate election officer within three days after the canvass.

743 (b) The election officer shall:

744 (i) supervise the recount;

745 (ii) recount all ballots cast for that office;

746 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
747 3, Absentee Voting; and

748 (iv) declare elected the person receiving the highest number of votes on the recount.

749 (2) (a) Any ten voters who voted in an election when any ballot proposition or bond
750 proposition was on the ballot may file a request for a recount with the appropriate election
751 officer within seven days of the canvass.

752 (b) The election officer shall:

753 (i) supervise the recount;

754 (ii) recount all ballots cast for that ballot proposition or bond proposition;

755 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
756 3, Absentee Voting; and

757 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
758 based upon the results of the recount.

759 (c) Proponents and opponents of the ballot proposition or bond proposition may
760 designate representatives to witness the recount.

761 (d) The voters requesting the recount shall pay the costs of the recount.

762 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
763 person requesting the recount.

764 (4) (a) Upon completion of the recount, the election officer shall immediately convene
765 the board of canvassers.

766 (b) The board of canvassers shall:

767 (i) canvass the election returns for the race or proposition that was the subject of the
768 recount; and

769 (ii) with the assistance of the election officer, prepare and sign the report required by
770 Section 20A-4-304 or Section 20A-4-306.

771 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,

772 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
773 governor as required by Subsection 20A-4-304(3).

774 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
775 result of the race or proposition that is the subject of the recount.

776 Section 12. Section **20A-5-102** is amended to read:

777 **20A-5-102. Voting instructions.**

778 (1) Each election officer shall:

779 (a) print instruction cards for voters;

780 (b) ensure that the cards are printed in English in large clear type; and

781 (c) ensure that the cards instruct voters:

782 (i) about how to obtain ballots for voting;

783 (ii) about special political party affiliation requirements for voting [~~in the Western~~
784 ~~States Presidential Primary or~~] in a regular primary election;

785 (iii) about how to prepare ballots for deposit in the ballot box;

786 (iv) about how to record write-in votes;

787 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

788 (vi) about how to obtain assistance in marking ballots;

789 (vii) about obtaining a new ballot if the voter's ballot is defaced;

790 (viii) that identification marks or the spoiling or defacing of a ballot will make it
791 invalid;

792 (ix) about how to obtain and vote a provisional ballot;

793 (x) about whom to contact to report election fraud;

794 (xi) about applicable federal and state laws regarding:

795 (A) voting rights and the appropriate official to contact if the voter alleges his rights
796 have been violated; and

797 (B) prohibitions on acts of fraud and misrepresentation;

798 (xii) about procedures governing mail-in registrants and first-time voters; and

799 (xiii) about the date of the election and the hours that the polls are open on election
800 day.

801 (2) Each election officer shall:

802 (a) provide the election judges of each voting precinct with sufficient instruction cards

803 to instruct voters in the preparation of their ballots;

804 (b) direct the election judges to post:

805 (i) general voting instructions in each voting booth; and

806 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about
807 the polling place.

808 Section 13. Section **20A-5-401** is amended to read:

809 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

810 (1) (a) Before the registration days for each regular general, municipal general, regular
811 primary, municipal primary, or Western States Presidential [~~Primary election~~] Preference Poll,
812 each county clerk shall prepare an official register of voters for each voting precinct that will
813 participate in the election.

814 (b) The county clerk shall ensure that the official register is prepared for the
815 alphabetical entry of names and contains entry fields to provide for the following information:

816 (i) registered voter's name;

817 (ii) party affiliation;

818 (iii) grounds for challenge;

819 (iv) name of person challenging a voter;

820 (v) primary, November, special;

821 (vi) date of birth;

822 (vii) place of birth;

823 (viii) place of current residence;

824 (ix) street address;

825 (x) zip code;

826 (xi) identification and provisional ballot information as required under Subsection

827 (1)[~~(d)~~] (c); and

828 (xii) space for the voter to sign his name for each election.

829 [~~(c) When preparing the official register for the Western States Presidential Primary,~~
830 ~~the county clerk shall include:~~]

831 [~~(i) an entry field to record the name of the political party whose ballot the voter voted;~~
832 ~~and]~~

833 [~~(ii) an entry field for the poll worker to record changes in the voter's party affiliation.]~~

834 ~~(d)~~ (c) When preparing the official register for any regular general election, municipal
835 general election, statewide special election, local special election, regular primary election,
836 municipal primary election, special district election, or election for federal office, the county
837 clerk shall include:

838 (i) an entry field that indicates if the voter is required to show identification before
839 voting;

840 (ii) an entry field for the poll worker to record the type of identification provided by the
841 voter;

842 (iii) a column for the poll worker to record the provisional envelope ballot number for
843 voters who receive a provisional ballot; and

844 (iv) a space for the poll worker to record the type of identification that was provided by
845 voters who receive a provisional ballot.

846 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
847 elections, special district elections, and bond elections, the county clerk shall make an official
848 register only for voting precincts affected by the primary, municipal, special district, or bond
849 election.

850 (ii) If a polling place to be used in a bond election serves both voters residing in the
851 local political subdivision calling the bond election and voters residing outside of that local
852 political subdivision, the official register shall designate whether each voter resides in or
853 outside of the local political subdivision.

854 (iii) Each county clerk, with the assistance of the clerk of each affected special district,
855 shall provide a detailed map or an indication on the registration list or other means to enable a
856 poll worker to determine the voters entitled to vote at an election of special district officers.

857 (b) Municipalities shall pay the costs of making the official register for municipal
858 elections.

859 Section 14. Section **20A-5-601** is amended to read:

860 **20A-5-601. Election judges -- Appointment for regular general elections and**
861 **primary elections.**

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

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

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

871 (2) Each county legislative body shall provide for the appointment of persons to serve
872 as election judges at the regular primary election[;] and the regular general election[; ~~and the~~
873 ~~Western States Presidential Primary~~].

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

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

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

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

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

885 (a) (i) two or three registered voters, or one or two registered voters and one person 17
886 years old who will be 18 years old by the date of the next regular general election, from the list
887 to serve as receiving judges for each voting precinct when ballots will be counted after the
888 polls close; or

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

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

896 years old who will be 18 years old by the date of the next regular general election, from the list
897 for each 100 absentee ballots to be counted to serve as canvassing judges.

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

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

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

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

908 (i) two judges are appointed from the political party that cast the highest number of
909 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
910 excluding votes for unopposed candidates, in the voting precinct at the last regular general
911 election before the appointment of the election judges; and

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

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

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

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

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

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

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

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

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

943 (b) the list is incomplete.

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

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

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

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

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

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

955 Section 15. Section **20A-9-801** is amended to read:

956 **20A-9-801. Definitions.**

957 As used in this part[, "registered]:

958 (1) "Party poll worker" means an individual that is designated by a registered political
 959 party to assist the political party in performing or administering that party's presidential
 960 preference poll.

961 (2) "Preference poll" means a survey conducted by one or more registered political
 962 parties to determine the presidential candidate preference of registered voters.

963 (3) "Qualified expenses" means expenses incurred by a registered political party that
 964 are directly related to the party's participation in the Western States Presidential Preference
 965 Poll, and are limited to expenses for the following purposes:

966 (a) printing poll questionnaires or ballots;

967 (b) printing forms for signed statements required under Subsection 20A-9-802(2)(b)(i);

968 (c) rent for polling locations;

969 (d) promotional materials that provide notice of the locations of polling places and the
 970 date and hours of the preference poll;

971 (e) postage;

972 (f) staff per diem expenses; and

973 (g) mileage expenses.

974 (4) "Registered political party" means a political party that has complied with the
 975 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a
 976 political party officially recognized by the state.

977 Section 16. Section **20A-9-802** is amended to read:

978 **20A-9-802. Western States Presidential Preference Poll established -- Other**
 979 **ballot issues prohibited.**

980 (1) ~~[(a)]~~ Contingent upon legislative appropriation, there is established a Western
 981 States Presidential ~~[Primary election]~~ Preference Poll to be held on the first Tuesday in
 982 February in the year in which a presidential election will be held.

983 ~~[(b) Except as otherwise specifically provided in this chapter, county clerks shall~~
 984 ~~administer the Western States Presidential Primary according to the provisions of Title 20A,~~
 985 ~~Election Code, including:]~~

986 ~~[(i) Title 20A, Chapter 1, General Provisions;]~~

987 ~~[(ii) Title 20A, Chapter 2, Voter Registration;]~~

988 ~~[(iii) Title 20A, Chapter 3, Voting;]~~

989 ~~[(iv) Title 20A, Chapter 4, Election Returns and Election Contests;]~~

990 ~~[(v) Title 20A, Chapter 5, Election Administration; and]~~

991 ~~[(vi) Title 20A, Chapter 6, Ballot Form.]~~

992 ~~[(c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western~~
993 ~~States Presidential Primary contains only the names of candidates for President of the United~~
994 ~~States who have qualified as provided in this part.]~~

995 ~~[(ii) The county clerks may not present any other items to the voters to be voted upon~~
996 ~~at this election.]~~

997 ~~[(2) Registered political parties, and candidates for President of the United States who~~
998 ~~are affiliated with a registered political party, may participate in the Western States Presidential~~
999 ~~Primary established by this part.]~~

1000 ~~[(3) As a condition for using the state's election system, each registered political party~~
1001 ~~wishing to participate in Utah's Western States Presidential Primary shall:]~~

1002 (2) No later than 5 p.m. on the last business day in June of the year prior to the year of
1003 the presidential election, each registered political party that desires to participate in Utah's
1004 Western States Presidential Preference Poll shall:

1005 (a) declare to the lieutenant governor, in writing, their intent to participate in the
1006 Western States Presidential [Primary] Preference Poll;

1007 ~~[(b) identify one or more registered political parties whose members may vote for the~~
1008 ~~registered political party's candidates and whether or not persons identified as unaffiliated with~~
1009 ~~a political party may vote for the registered political party's candidates; and]~~

1010 (b) certify to the lieutenant governor, in writing, that the party will:

1011 (i) prepare and require a uniform statement to be used in the party's preference poll
1012 that:

1013 (A) is separate from the ballot used to record each person's presidential preference;

1014 (B) requires each person participating in the party's preference poll to certify that the
1015 person:

1016 (I) is registered to vote in Utah; and

1017 (II) has not participated in any other party's presidential preference poll on that date;

1018 (C) must be signed by each person requesting to express the person's preference in the
1019 party's preference poll as a precondition to receiving a ballot or poll questionnaire; and

1020 (D) includes a space for a party poll worker to enter a description of the valid voter
1021 identification, if any, that is presented by the person requesting to express the person's
1022 presidential preference;

1023 (ii) have uniform procedures for collecting, storing, counting, and determining the
1024 validity of votes cast in the party's preference poll;

1025 (iii) make efforts to establish common locations and poll hours with any other
1026 registered political parties that will participate in the preference poll;

1027 (iv) establish a period for a candidate to request that the candidate's name appear on the
1028 preference poll ballot or poll questionnaire; and

1029 (v) specify the fee, if any, that will be payable to the registered political party by a
1030 candidate who wishes to affiliate with the registered political party for the purposes of
1031 appearing on the ballot or poll questionnaire; and

1032 ~~[(c) certify that information to the lieutenant governor no later than 5 p.m. on the June~~
1033 ~~30 of the year before the year in which the presidential primary will be held, or the following~~
1034 ~~business day if June 30 falls on a Saturday, Sunday, or holiday.]~~

1035 (c) provide the lieutenant governor with a copy of those sections of the registered
1036 political party's bylaws that implement the requirements of Subsection (2)(b).

1037 (3) A person wishing to express a preference for a presidential candidate shall express
1038 that preference:

1039 (a) in person;

1040 (b) on the date of Utah's Western States Presidential Preference Poll established in
1041 Subsection (1); and

1042 (c) at any polling location in the state that is designated as a polling place for the
1043 preferred candidate's political party.

1044 Section 17. Section **20A-9-810** is enacted to read:

1045 **20A-9-810. Funding grants -- Submission of reimbursement request and**
1046 **statements -- Reimbursement of qualified expenses.**

1047 (1) No later than the first business day in October of the year before the year in which
1048 the Western States Presidential Preference Poll will be held, the lieutenant governor shall pay
1049 to each registered political party that meets the requirements of Subsection 20A-9-802(2) a
1050 grant equal to 3% of the total legislative appropriation made for the next scheduled Western

1051 States Presidential Preference Poll.

1052 (2) No later than the first regular business day in March of the year in which a
1053 presidential election will be held, a registered political party that participates in the Western
1054 States Presidential Preference Poll shall submit to the lieutenant governor:

1055 (a) a written request for reimbursement for qualified expenses that lists, for each
1056 qualified expense:

1057 (i) a description of the expense;

1058 (ii) the amount of the expense;

1059 (iii) the name and address of the creditor that the party owes for the expense or has
1060 paid for the expense; and

1061 (iv) a copy of a receipt or other verification of the expense;

1062 (b) a statement containing the total number of votes cast for each presidential candidate
1063 in the party's presidential preference poll, that is signed and certified by an officer of the
1064 political party; and

1065 (c) all statements collected by the participating registered political party as required by
1066 Subsection 20A-9-802(2)(b)(i).

1067 (3) A registered political party that fails to comply with the requirements of Subsection
1068 (2) may not receive any reimbursement for qualified expenses under Subsection (4).

1069 (4) A participating registered political party that complies with the requirements of
1070 Subsection (2) shall receive reimbursements for qualified expenses in an amount equal to the
1071 amount appropriated by the Legislature for the Western States Presidential Preference Poll,
1072 minus all amounts previously distributed under Subsection (1), multiplied by the fraction equal
1073 to the total of votes cast in the party's preference poll divided by the total votes cast in all
1074 parties' preference polls.

1075 **Section 18. Repealer.**

1076 This bill repeals:

1077 **Section 20A-9-202.5, Declaration of candidacy -- Western States Presidential**
1078 **Primary.**

1079 **Section 20A-9-803, Declaration of candidacy -- Filing fee -- Form.**

1080 **Section 20A-9-804, Satellite registration provisions not applicable -- Registration**
1081 **with county clerk.**

- 1082 Section **20A-9-805, Closed primary -- Determining party affiliation -- Changing**
- 1083 **party affiliation.**
- 1084 Section **20A-9-806, Ballots.**
- 1085 Section **20A-9-807, Combining voting precincts.**
- 1086 Section **20A-9-808, Voting.**
- 1087 Section **20A-9-809, Counting votes -- Canvass -- Certification of results.**

Legislative Review Note
as of **2-6-07 2:19 PM**

Office of Legislative Research and General Counsel