

1                                   **WESTERN STATES PRESIDENTIAL PRIMARY**

2   **AMENDMENTS**

3   2008 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Keith Grover**

6   Senate Sponsor: Margaret Dayton

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies provisions of the Election Code that relate to procedures for Utah's  
11 Western States Presidential Primary.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ changes the registration deadline for Utah's Western States Presidential Primary
- 15 from 7 days before the election to the same date used by other elections;
- 16                   ▶ provides that, consistent with the regular primary election, a voter may not change
- 17 party affiliation during the 30 day period before the Western States Presidential
- 18 Primary;
- 19                   ▶ provides that voting procedures for the Western States Presidential Primary shall
- 20 mirror voting procedures for regular primary elections;
- 21                   ▶ changes the date of the canvass for the Western States Presidential Primary from 7
- 22 days after the election to 7 to 14 days after the election; and
- 23                   ▶ makes technical changes.

24                   **Monies Appropriated in this Bill:**

25                   None

26                   **Other Special Clauses:**

27                   None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **20A-2-107**, as last amended by Laws of Utah 2006, Chapter 264
- 31 **20A-2-107.5**, as last amended by Laws of Utah 2007, Chapter 75
- 32 **20A-3-104.5**, as last amended by Laws of Utah 2006, Chapters 15, 264, and 326
- 33 **20A-4-301**, as last amended by Laws of Utah 2007, Chapters 75 and 329
- 34 **20A-9-804**, as last amended by Laws of Utah 2007, Chapter 285
- 35 **20A-9-809**, as enacted by Laws of Utah 1999, Chapter 22

36 REPEALS AND REENACTS:

- 37 **20A-9-808**, as last amended by Laws of Utah 2006, Chapters 264 and 326



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

40 Section 1. Section **20A-2-107** is amended to read:

41 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

42 (1) The county clerk shall:

43 (a) record the party affiliation designated by the voter on the voter registration form as  
44 the voter's party affiliation; or

45 (b) if no political party affiliation is designated by the voter on the voter registration  
46 form, record the voter's party affiliation as "unaffiliated."

47 (2) (a) Any registered voter may designate or change the voter's political party  
48 affiliation by complying with the procedures and requirements of this Subsection (2).

49 (b) ~~[Except for the period beginning on the day after the voter registration deadline and~~  
50 ~~continuing through the date of the regular primary election, any] A registered voter may~~  
51 designate or change the voter's political party affiliation by filing a signed form with the county  
52 clerk that identifies the registered political party with which the voter chooses to affiliate[-],  
53 during any period except the following:

54 (i) the period beginning on the day after the voter registration deadline and continuing  
55 through the date of the regular primary election; and

56 (ii) the period beginning on the day after the voter registration deadline and continuing  
57 through the date of the Western States Presidential Primary.

58 Section 2. Section **20A-2-107.5** is amended to read:

59           **20A-2-107.5. Designating or changing party affiliation -- Regular primary**  
60 **election and Western States Presidential Primary.**

61           (1) At any regular primary election or the Western States Presidential Primary:

62           (a) each county clerk shall provide change of party affiliation forms to the poll workers  
63 for each voting precinct within the county; and

64           (b) any registered voter who is classified as "unaffiliated" may affiliate with a political  
65 party by completing the form and giving it to the poll worker.

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

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

69           **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**  
70 **Primary.**

71           (1) (a) Any registered voter desiring to vote at the regular primary election or Utah's  
72 Western States Presidential Primary shall give his name, the name of the registered political  
73 party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the poll  
74 workers.

75           (b) The voter shall present valid voter identification to one of the poll workers if the  
76 voter is:

77           (i) required to present valid voter identification as indicated by a notation in the official  
78 register;

79           (ii) voting in person by absentee ballot; or

80           (iii) voting during the early voting period.

81           (c) If a voter is not required to present valid voter identification under Subsection  
82 (1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt  
83 that voter's identity, the poll worker shall:

84           (i) request that the voter present valid voter identification; or

85           (ii) have the voter identified by a known registered voter of the district.

86           (d) The poll worker shall follow the procedures and requirements of Section  
87 20A-3-105.5 if:

88           (i) the poll worker is not satisfied that the voter has been properly identified; or

89           (ii) the voter's right to vote is challenged under Section 20A-3-202.

90 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official  
91 register shall check the official register to determine:

92 (A) whether or not the voter is registered to vote; and

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

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

98 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on  
99 the official register, the poll worker shall follow the procedures and requirements of Section  
100 20A-3-105.5.

101 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall  
102 attempt to contact the county clerk's office to request oral verification of the voter's registration.

103 (B) If oral verification is received from the county clerk's office, the poll worker shall:

104 (I) record the verification on the official register;

105 (II) determine the voter's party affiliation and the ballot that the voter is qualified to  
106 vote; and

107 (III) perform the other administrative steps required by Subsection (3).

108 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
109 affiliation listed in the official register does not allow the voter to vote the ballot that the voter  
110 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot  
111 or ballots that the voter's party affiliation does allow the voter to vote.

112 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official  
113 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a  
114 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the  
115 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote  
116 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or  
117 remain "unaffiliated."

118 (B) If the voter wishes to vote another registered political party ballot that the  
119 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
120 (3).

121 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
122 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
123 voter may not vote.

124 (iii) For the primary elections held in 2004, 2006, and 2008 only:

125 (A) If the voter is listed in the official register as "unaffiliated," or if the official  
126 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a  
127 registered political party, the poll worker shall ask the voter if the voter wishes to affiliate with  
128 a registered political party, or remain "unaffiliated."

129 (B) If the voter wishes to affiliate with the registered political party whose ballot the  
130 voter requested, the poll worker shall direct the voter to complete the change of party affiliation  
131 form and proceed as required by Subsection (3).

132 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered  
133 political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall  
134 proceed as required by Subsection (3).

135 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
136 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
137 voter may not vote.

138 (3) If the poll worker determines that the voter is registered and eligible, under  
139 Subsection (2), to vote the ballot that the voter requested and:

140 (a) if the ballot is a paper ballot or a ballot sheet:

141 (i) the poll worker in charge of the official register shall:

142 (A) write the ballot number and the name of the registered political party whose ballot  
143 the voter voted opposite the name of the voter in the official register; and

144 (B) direct the voter to sign his name in the election column in the official register;

145 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;

146 and

147 (iii) the poll worker having charge of the ballots shall:

148 (A) endorse his initials on the stub;

149 (B) check the name of the voter on the pollbook list with the number of the stub;

150 (C) hand the voter the ballot for the registered political party that the voter requested

151 and for which the voter is authorized to vote; and

- 152 (D) allow the voter to enter the voting booth; or
- 153 (b) if the ballot is an electronic ballot:
- 154 (i) the poll worker in charge of the official register shall direct the voter to sign his
- 155 name in the official register;
- 156 (ii) another poll worker shall list the voter's name in the pollbook; and
- 157 (iii) the poll worker having charge of the ballots shall:

158 (A) provide the voter access to the electronic ballot for the registered political party  
 159 that the voter requested and for which the voter is authorized to vote; and

160 (B) allow the voter to vote the electronic ballot.

161 (4) Whenever the election officer is required to furnish more than one kind of official  
 162 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered  
 163 voter the kind of ballot that the voter is qualified to vote.

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

165 **20A-4-301. Board of canvassers.**

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

- 167 (i) the county; and
- 168 (ii) each local district whose election is conducted by the county.

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

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

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

- 179 (i) the county treasurer;
  - 180 (ii) the county assessor; or
  - 181 (iii) the county sheriff.
- 182 (d) Attendance of the number of persons equal to a simple majority of the county

183 legislative body, but not less than three persons, shall constitute a quorum for conducting the  
184 canvass.

185 (e) The county clerk is the clerk of the board of county canvassers.

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

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

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

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

194 (c) Attendance of a simple majority of the municipal legislative body shall constitute a  
195 quorum for conducting the canvass.

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

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

200 (c) Attendance of a simple majority of the legislative body of the entity authorizing a  
201 bond election shall constitute a quorum for conducting the canvass.

202 Section 5. Section **20A-9-804** is amended to read:

203 **20A-9-804. Registration with county clerk.**

204 (1) [~~For~~] Registration to vote in the Western States Presidential Primary election [~~each~~  
205 ~~county clerk shall register to vote all persons who present themselves for registration at the~~  
206 ~~county clerk's office during designated office hours through the Tuesday before the Tuesday of~~  
207 ~~the Western States Presidential Primary if those persons, on voting day, will be legally~~  
208 ~~qualified and entitled to vote in a voting precinct in the county] shall be conducted as provided  
209 in Title 20A, Chapter 2, Voter Registration.~~

210 (2) The county clerk shall record the names of person registering to vote during that  
211 period in the official register and direct the election judges to allow those persons to vote in the  
212 Western States Presidential Primary election if they present themselves at the voting precinct  
213 on election day.

214 Section 6. Section **20A-9-808** is repealed and reenacted to read:

215 **20A-9-808. Voting.**

216 Voting in Utah's Western States Presidential Primary shall be conducted in accordance  
217 with the procedures of Section 20A-3-104.5.

218 Section 7. Section **20A-9-809** is amended to read:

219 **20A-9-809. Counting votes -- Canvass -- Certification of results to parties.**

220 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and  
221 retained, returns canvassed, and recounts and election contests conducted as provided in Title  
222 20A, Chapter 4, Election Returns and Election Contests.

223 (2) After the canvass is complete and the report is prepared, the lieutenant governor  
224 shall transmit a copy of the report to each registered political party that participated in Utah's  
225 Western States Presidential Primary.

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**Legislative Review Note**  
**as of 12-5-07 9:42 AM**

**Office of Legislative Research and General Counsel**



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**H.B. 185 - Western States Presidential Primary Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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