

ELECTION LAW AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends Title 20A, Election Code.

Highlighted Provisions:

This bill:

- ▶ updates cross-references;
- ▶ makes conforming amendments for the date of the Western Presidential Primary;
- ▶ modifies provisions that apply when the signature on an absentee ballot does not match the voter's signature on record;
- ▶ provides that a municipality or county that administers an election entirely by absentee ballot is not required to conduct early voting for the election;
- ▶ addresses the submittal of an absentee ballot;
- ▶ repeals references to the county in a municipal ballot;
- ▶ makes conforming amendments regarding the voter information pamphlet; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2012, Chapters 72, 251, 309, 359 and last amended by Coordination Clause, Laws of Utah 2012, Chapter 309

- 30 **20A-1-203**, as last amended by Laws of Utah 2012, Chapter 359
- 31 **20A-1-201.5**, as last amended by Laws of Utah 2011, Chapter 327
- 32 **20A-3-302**, as last amended by Laws of Utah 2012, Chapters 40 and 309
- 33 **20A-3-306**, as last amended by Laws of Utah 2012, Chapter 309
- 34 **20A-3-605**, as last amended by Laws of Utah 2012, Chapter 97
- 35 **20A-6-401.1**, as last amended by Laws of Utah 2012, Chapter 68
- 36 **20A-7-702**, as last amended by Laws of Utah 2012, Chapter 334
- 37 **20A-11-104**, as last amended by Laws of Utah 2011, Chapter 340
- 38 **20A-11-402**, as last amended by Laws of Utah 2010, Chapter 246

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

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

42 **20A-1-102. Definitions.**

43 As used in this title:

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

46 (2) "Automatic tabulating equipment" means apparatus that automatically examines
47 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

48 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
49 upon which a voter records the voter's votes.

50 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
51 envelopes.

52 (4) "Ballot sheet":

53 (a) means a ballot that:

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

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

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

57 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

58 (a) contain the names of offices and candidates and statements of ballot propositions to
59 be voted on; and

60 (b) are used in conjunction with ballot sheets that do not display that information.

61 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
62 on the ballot for their approval or rejection including:

63 (a) an opinion question specifically authorized by the Legislature;

64 (b) a constitutional amendment;

65 (c) an initiative;

66 (d) a referendum;

67 (e) a bond proposition;

68 (f) a judicial retention question;

69 (g) an incorporation of a city or town; or

70 (h) any other ballot question specifically authorized by the Legislature.

71 (7) "Bind", "binding", or "bound" means securing more than one piece of paper
72 together with a staple or stitch in at least three places across the top of the paper in the blank
73 space reserved for securing the paper.

74 (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and
75 20A-4-306 to canvass election returns.

76 (9) "Bond election" means an election held for the purpose of approving or rejecting
77 the proposed issuance of bonds by a government entity.

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

80 (11) "Business reply mail envelope" means an envelope that may be mailed free of
81 charge by the sender.

82 (12) "By-mail voter registration form" means a voter registration form designed to be
83 completed by the voter and mailed to the election officer.

84 (13) "Canvass" means the review of election returns and the official declaration of
85 election results by the board of canvassers.

86 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
87 the canvass.

88 (15) "Contracting election officer" means an election officer who enters into a contract
89 or interlocal agreement with a provider election officer.

90 (16) "Convention" means the political party convention at which party officers and
91 delegates are selected.

92 (17) "Counting center" means one or more locations selected by the election officer in
93 charge of the election for the automatic counting of ballots.

94 (18) "Counting judge" means a poll worker designated to count the ballots during
95 election day.

96 (19) "Counting poll watcher" means a person selected as provided in Section
97 20A-3-201 to witness the counting of ballots.

98 (20) "Counting room" means a suitable and convenient private place or room,
99 immediately adjoining the place where the election is being held, for use by the poll workers
100 and counting judges to count ballots during election day.

101 (21) "County officers" means those county officers that are required by law to be
102 elected.

103 (22) "Date of the election" or "election day" or "day of the election":

104 (a) means the day that is specified in the calendar year as the day that the election
105 occurs; and

106 (b) does not include:

107 (i) deadlines established for absentee voting; or

108 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
109 Voting.

110 (23) "Elected official" means:

111 (a) a person elected to an office under Section 20A-1-303;

112 (b) a person who is considered to be elected to a municipal office in accordance with
113 Subsection 20A-1-206(1)(c)(ii); or

114 (c) a person who is considered to be elected to a local district office in accordance with
115 Subsection 20A-1-206(3)(c)(ii).

116 (24) "Election" means a regular general election, a municipal general election, a
117 statewide special election, a local special election, a regular primary election, a municipal
118 primary election, and a local district election.

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

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

123 (27) "Election judge" means a poll worker that is assigned to:

- 124 (a) preside over other poll workers at a polling place;
- 125 (b) act as the presiding election judge; or
- 126 (c) serve as a canvassing judge, counting judge, or receiving judge.

127 (28) "Election officer" means:

- 128 (a) the lieutenant governor, for all statewide ballots and elections;
- 129 (b) the county clerk for:
 - 130 (i) a county ballot and election; and
 - 131 (ii) a ballot and election as a provider election officer as provided in Section
132 20A-5-400.1 or 20A-5-400.5;

133 (c) the municipal clerk for:

- 134 (i) a municipal ballot and election; and
- 135 (ii) a ballot and election as a provider election officer as provided in Section
136 20A-5-400.1 or 20A-5-400.5;

137 (d) the local district clerk or chief executive officer for:

- 138 (i) a local district ballot and election; and
- 139 (ii) a ballot and election as a provider election officer as provided in Section
140 20A-5-400.1 or 20A-5-400.5; or

141 (e) the business administrator or superintendent of a school district for:

- 142 (i) a school district ballot and election; and
- 143 (ii) a ballot and election as a provider election officer as provided in Section
- 144 20A-5-400.1 or 20A-5-400.5.
- 145 (29) "Election official" means any election officer, election judge, or poll worker.
- 146 (30) "Election results" means:
- 147 (a) for an election other than a bond election, the count of votes cast in the election and
- 148 the election returns requested by the board of canvassers; or
- 149 (b) for bond elections, the count of those votes cast for and against the bond
- 150 proposition plus any or all of the election returns that the board of canvassers may request.
- 151 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 152 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 153 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 154 form, and the total votes cast form.
- 155 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 156 device or other voting device that records and stores ballot information by electronic means.
- 157 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 158 or logically associated with a record and executed or adopted by a person with the intent to sign
- 159 the record.
- 160 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 161 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 162 (35) "Inactive voter" means a registered voter who has:
- 163 (a) been sent the notice required by Section 20A-2-306; and
- 164 (b) failed to respond to that notice.
- 165 (36) "Inspecting poll watcher" means a person selected as provided in this title to
- 166 witness the receipt and safe deposit of voted and counted ballots.
- 167 (37) "Judicial office" means the office filled by any judicial officer.
- 168 (38) "Judicial officer" means any justice or judge of a court of record or any county
- 169 court judge.

170 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
171 Local Government Entities - Local Districts, and includes a special service district under Title
172 17D, Chapter 1, Special Service District Act.

173 (40) "Local district officers" means those local district officers that are required by law
174 to be elected.

175 (41) "Local election" means a regular municipal election, a local special election, a
176 local district election, and a bond election.

177 (42) "Local political subdivision" means a county, a municipality, a local district, or a
178 local school district.

179 (43) "Local special election" means a special election called by the governing body of a
180 local political subdivision in which all registered voters of the local political subdivision may
181 vote.

182 (44) "Municipal executive" means:

183 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
184 or

185 (b) the mayor in the council-manager form of government defined in Subsection
186 10-3b-103(6).

187 (45) "Municipal general election" means the election held in municipalities and local
188 districts on the first Tuesday after the first Monday in November of each odd-numbered year
189 for the purposes established in Section 20A-1-202.

190 (46) "Municipal legislative body" means the council of the city or town in any form of
191 municipal government.

192 (47) "Municipal office" means an elective office in a municipality.

193 (48) "Municipal officers" means those municipal officers that are required by law to be
194 elected.

195 (49) "Municipal primary election" means an election held to nominate candidates for
196 municipal office.

197 (50) "Official ballot" means the ballots distributed by the election officer to the poll

198 workers to be given to voters to record their votes.

199 (51) "Official endorsement" means:

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

201 (i) the ballot as an official ballot;

202 (ii) the date of the election; and

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

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

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

206 (ii) the ballot number.

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

209 (53) "Paper ballot" means a paper that contains:

210 (a) the names of offices and candidates and statements of ballot propositions to be
211 voted on; and

212 (b) spaces for the voter to record the voter's vote for each office and for or against each
213 ballot proposition.

214 (54) "Political party" means an organization of registered voters that has qualified to
215 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
216 and Procedures.

217 (55) (a) "Poll worker" means a person assigned by an election official to assist with an
218 election, voting, or counting votes.

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

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

221 (56) "Pollbook" means a record of the names of voters in the order that they appear to
222 cast votes.

223 (57) "Polling place" means the building where voting is conducted.

224 (58) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
225 in which the voter marks the voter's choice.

226 (59) "Provider election officer" means an election officer who enters into a contract or
227 interlocal agreement with a contracting election officer to conduct an election for the
228 contracting election officer's local political subdivision in accordance with Section
229 20A-5-400.1.

230 (60) "Provisional ballot" means a ballot voted provisionally by a person:

- 231 (a) whose name is not listed on the official register at the polling place;
- 232 (b) whose legal right to vote is challenged as provided in this title; or
- 233 (c) whose identity was not sufficiently established by a poll worker.

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

237 (62) "Primary convention" means the political party conventions at which nominees for
238 the regular primary election are selected.

239 (63) "Protective counter" means a separate counter, which cannot be reset, that:

- 240 (a) is built into a voting machine; and
- 241 (b) records the total number of movements of the operating lever.

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

244 (65) "Receiving judge" means the poll worker that checks the voter's name in the
245 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
246 after the voter has voted.

247 (66) "Registration form" means a book voter registration form and a by-mail voter
248 registration form.

249 (67) "Regular ballot" means a ballot that is not a provisional ballot.

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

253 (69) "Regular primary election" means the election on the fourth Tuesday of June of

254 each even-numbered year, to nominate candidates of political parties and nonpolitical groups to
255 advance to the regular general election.

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

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

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

261 (73) "Secrecy envelope" means the envelope given to a voter along with the ballot into
262 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
263 the voter's vote.

264 (74) "Special election" means an election held as authorized by Section [~~20A-1-204~~]
265 20A-1-203.

266 (75) "Spoiled ballot" means each ballot that:

267 (a) is spoiled by the voter;

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

269 (c) lacks the official endorsement.

270 (76) "Statewide special election" means a special election called by the governor or the
271 Legislature in which all registered voters in Utah may vote.

272 (77) "Stub" means the detachable part of each ballot.

273 (78) "Substitute ballots" means replacement ballots provided by an election officer to
274 the poll workers when the official ballots are lost or stolen.

275 (79) "Ticket" means each list of candidates for each political party or for each group of
276 petitioners.

277 (80) "Transfer case" means the sealed box used to transport voted ballots to the
278 counting center.

279 (81) "Vacancy" means the absence of a person to serve in any position created by
280 statute, whether that absence occurs because of death, disability, disqualification, resignation,
281 or other cause.

- 282 (82) "Valid voter identification" means:
- 283 (a) a form of identification that bears the name and photograph of the voter which may
- 284 include:
- 285 (i) a currently valid Utah driver license;
- 286 (ii) a currently valid identification card that is issued by:
- 287 (A) the state; or
- 288 (B) a branch, department, or agency of the United States;
- 289 (iii) a currently valid Utah permit to carry a concealed weapon;
- 290 (iv) a currently valid United States passport; or
- 291 (v) a currently valid United States military identification card;
- 292 (b) one of the following identification cards, whether or not the card includes a
- 293 photograph of the voter:
- 294 (i) a valid tribal identification card;
- 295 (ii) a Bureau of Indian Affairs card; or
- 296 (iii) a tribal treaty card; or
- 297 (c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear
- 298 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 299 may include:
- 300 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 301 election;
- 302 (ii) a bank or other financial account statement, or a legible copy thereof;
- 303 (iii) a certified birth certificate;
- 304 (iv) a valid Social Security card;
- 305 (v) a check issued by the state or the federal government or a legible copy thereof;
- 306 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 307 (vii) a currently valid Utah hunting or fishing license;
- 308 (viii) certified naturalization documentation;
- 309 (ix) a currently valid license issued by an authorized agency of the United States;

310 (x) a certified copy of court records showing the voter's adoption or name change;

311 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

312 (xii) a currently valid identification card issued by:

313 (A) a local government within the state;

314 (B) an employer for an employee; or

315 (C) a college, university, technical school, or professional school located within the

316 state; or

317 (xiii) a current Utah vehicle registration.

318 (83) "Valid write-in candidate" means a candidate who has qualified as a write-in

319 candidate by following the procedures and requirements of this title.

320 (84) "Voter" means a person who:

321 (a) meets the requirements for voting in an election;

322 (b) meets the requirements of election registration;

323 (c) is registered to vote; and

324 (d) is listed in the official register book.

325 (85) "Voter registration deadline" means the registration deadline provided in Section

326 20A-2-102.5.

327 (86) "Voting area" means the area within six feet of the voting booths, voting

328 machines, and ballot box.

329 (87) "Voting booth" means:

330 (a) the space or compartment within a polling place that is provided for the preparation

331 of ballots, including the voting machine enclosure or curtain; or

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

333 (88) "Voting device" means:

334 (a) an apparatus in which ballot sheets are used in connection with a punch device for

335 piercing the ballots by the voter;

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

337 (c) an electronic voting device or other device used to make selections and cast a ballot

338 electronically, or any component thereof;

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

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

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

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

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

348 (92) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
349 poll watcher, and a testing watcher.

350 (93) "Western States Presidential Primary" means the election established in Chapter 9,
351 Part 8, Western States Presidential Primary.

352 (94) "Write-in ballot" means a ballot containing any write-in votes.

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

355 Section 2. Section **20A-1-201.5** is amended to read:

356 **20A-1-201.5. Primary election dates.**

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

360 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
361 following the first Monday in August before the regular municipal election to nominate persons
362 for municipal offices.

363 (3) ~~[The]~~ If the Legislature makes an appropriation for a Western States Presidential
364 Primary election, the Western States Presidential Primary election shall be held throughout the
365 state on the first Tuesday in February in the year in which a presidential election will be held.

366 Section 3. Section **20A-1-203** is amended to read:

367 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
368 **limitations.**

369 (1) Statewide and local special elections may be held for any purpose authorized by
370 law.

371 (2) (a) Statewide special elections shall be conducted using the procedure for regular
372 general elections.

373 (b) Except as otherwise provided in this title, local special elections shall be conducted
374 using the procedures for regular municipal elections.

375 (3) The governor may call a statewide special election by issuing an executive order
376 that designates:

377 (a) the date for the statewide special election; and

378 (b) the purpose for the statewide special election.

379 (4) The Legislature may call a statewide special election by passing a joint or
380 concurrent resolution that designates:

381 (a) the date for the statewide special election; and

382 (b) the purpose for the statewide special election.

383 (5) (a) The legislative body of a local political subdivision may call a local special
384 election only for:

385 (i) a vote on a bond or debt issue;

386 (ii) a vote on a voted local levy authorized by Section 53A-17a-133;

387 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

388 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

389 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
390 legal boundaries should be changed;

391 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

392 (vii) a vote to elect members to school district boards for a new school district and a
393 remaining school district, as defined in Section 53A-2-117, following the creation of a new

394 school district under Section 53A-2-118.1; [or]

395 (viii) an election of town officers of a newly incorporated town under Section
396 10-2-128[.];

397 (ix) an election of officers for a new city under Section 10-2-116;

398 (x) a vote on a municipality providing cable television services or public
399 telecommunications services under Section 10-18-204;

400 (xi) a vote to create a new county under Section 17-3-1;

401 (xii) a vote on the creation of a study committee under Sections 17-52-202 and
402 17-52-203.5; or

403 (xiii) a vote on a special property tax under Section 53A-16-110.

404 (b) The legislative body of a local political subdivision may call a local special election
405 by adopting an ordinance or resolution that designates:

406 (i) the date for the local special election; and

407 (ii) the purpose for the local special election.

408 (c) A local political subdivision may not call a local special election unless the
409 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
410 two-thirds majority of all members of the legislative body, if the local special election is for:

411 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

412 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

413 (iii) a vote authorized or required for a sales tax issue as described in Subsection
414 (5)(a)(vi).

415 Section 4. Section **20A-3-302** is amended to read:

416 **20A-3-302. Conducting entire election by absentee ballot.**

417 (1) Notwithstanding Section 17B-1-306, an election officer may administer an election
418 entirely by absentee ballot.

419 (2) If the election officer decides to administer an election entirely by absentee ballot,
420 the election officer shall mail to each registered voter within that voting precinct:

421 (a) an absentee ballot;

422 (b) a statement that there will be no polling place in the voting precinct for the election;

423 (c) a business reply mail envelope;

424 (d) instructions for returning the ballot that include an express notice about any
425 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

426 (e) if the election officer does not operate an election day voting center, a warning, on a
427 separate page of colored paper in bold face print, indicating that if the voter fails to follow the
428 instructions included with the absentee ballot, the voter will be unable to vote in that election
429 because there will be no polling place in the voting precinct on the day of the election.

430 (3) Any voter who votes by absentee ballot under this [~~subsection~~] section is not
431 required to apply for an absentee ballot as required by this part.

432 (4) An election officer who administers an election entirely by absentee ballot shall:

433 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
434 the election; or

435 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
436 and

437 (b) maintain the signatures on file in the election officer's office.

438 (5) (a) Upon receiving the returned absentee ballots, the election officer shall compare
439 the signature on each absentee ballot with the voter's signature that is maintained on file and
440 verify that the signatures are the same.

441 (b) If the election officer questions the authenticity of the signature on the absentee
442 ballot, the election officer shall immediately contact the voter to verify the signature.

443 (c) If [~~the voter does not confirm the voter's signature on the absentee ballot~~] the
444 election official determines that the signature on the absentee ballot does not match the voter's
445 signature that is maintained on file, the election officer shall:

446 (i) unless the absentee ballot application deadline described in Section 20a-3-304 has
447 passed, immediately send another absentee ballot and other voting materials as required by this
448 [~~subsection~~] section to the voter; and

449 (ii) disqualify the initial absentee ballot.

450 Section 5. Section **20A-3-306** is amended to read:

451 **20A-3-306. Voting ballot -- Returning ballot.**

452 (1) (a) To vote a mail-in absentee ballot, the absentee voter shall:

453 (i) complete and sign the affidavit on the envelope;

454 (ii) mark the votes on the absentee ballot;

455 (iii) place the voted absentee ballot in the envelope;

456 (iv) securely seal the envelope; and

457 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit

458 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
459 obtained.

460 (b) To vote an absentee ballot in person at the office of the election officer, the absent
461 voter shall:

462 (i) complete and sign the affidavit on the envelope;

463 (ii) mark the votes on the absent-voter ballot;

464 (iii) place the voted absent-voter ballot in the envelope;

465 (iv) securely seal the envelope; and

466 (v) give the ballot and envelope to the election officer.

467 (2) An absentee ballot is not valid unless:

468 (a) in the case of an absentee ballot that is voted in person, it is applied for and cast in
469 person at the office of the appropriate election officer no later than the Friday before election
470 day; ~~or~~

471 (b) in the case of an absentee ballot that is submitted by mail, the absentee ballot is:

472 (i) postmarked on or before election day; and

473 (ii) received by the election officer before noon on the day of the canvass; or

474 ~~(b)~~ (c) in the case of a military-overseas ballot, submitted in accordance with Section
475 20A-16-404.

476 Section 6. Section **20A-3-605** is amended to read:

477 **20A-3-605. Exemptions from early voting.**

478 (1) (a) This part does not apply to an election of a board member of a local district.

479 (b) Notwithstanding Subsection (1)(a), a local district may, at its discretion, provide
480 early voting in accordance with this part for an election of a board member.

481 (2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth
482 class or a town as described in Section 10-2-301 may provide early voting as provided under
483 this part for:

484 (a) a municipal primary election; or

485 (b) a municipal general election.

486 (3) A municipality or county that administers an election entirely by absentee ballot, in
487 accordance with Section 20A-3-302, is not required to conduct early voting for the election.

488 Section 7. Section **20A-6-401.1** is amended to read:

489 **20A-6-401.1. Ballots for partisan municipal primary elections.**

490 (1) If a municipality is using paper ballots, each election officer shall ensure that:

491 (a) all paper ballots furnished for use at the regular primary election:

492 (i) are perforated to separate the candidates of one political party from those of the
493 other political parties so that the voter may separate the part of the ballot containing the names
494 of the political party of the voter's choice from the rest of the ballot;

495 (ii) have sides that are perforated so that the outside sections of the ballot, when
496 detached, are similar in appearance to the inside sections of the ballot when detached; and

497 (iii) contain no captions or other endorsements except as provided in this section;

498 (b) the names of all candidates from each party are listed on the same ballot in one or
499 more columns under their party name and emblem;

500 (c) the political parties are printed on the ballot in the order specified under Section
501 20A-6-305;

502 (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the
503 top of the ballot;

504 (ii) the ballot number and the words "Poll Worker's Initials ____" are printed on the
505 stub; and

506 (iii) ballot stubs are numbered consecutively;

507 (e) immediately below the perforated ballot stub, the following endorsements are
508 printed in 18-point bold type:

509 (i) "Official Primary Ballot for ____ [County] (name of municipality), Utah";

510 (ii) the date of the election; and

511 (iii) a facsimile of the signature of the [county] municipal clerk or recorder and the
512 words "[county] municipal clerk" or "municipal recorder";

513 (f) after the facsimile signature, the political party emblem and the name of the
514 political party are printed;

515 (g) after the party name and emblem, the ballot contains the following printed in not
516 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a
517 candidate, place a cross (X) in the square immediately adjacent to the name of the person for
518 whom you wish to vote and in no other place. Do not vote for any candidate listed under more
519 than one party or group designation.", followed by two one-point parallel horizontal rules;

520 (h) after the rules, the designation of the office for which the candidates seek
521 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
522 for up to ____ (the number of candidates for which the voter may vote)" are printed to extend
523 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

524 (i) after the hair-line rule, the names of the candidates are printed in heavy face type
525 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305
526 with surnames last and grouped according to the office that they seek;

527 (j) a square with sides not less than one-fourth inch long is printed immediately
528 adjacent to the names of the candidates;

529 (k) the candidate groups are separated from each other by one light and one heavy line
530 or rule; and

531 (l) the nonpartisan candidates are listed as follows:

532 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"
533 is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of

534 the party listing above; and

535 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
536 candidate's name, the voting square, and any other necessary information is printed in the same
537 style and manner as for party candidates.

538 (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer
539 may require that:

540 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary
541 election consist of several groups of pages or display screens, so that a separate group can be
542 used to list the names of candidates seeking nomination of each qualified political party, with
543 additional groups used to list candidates for other nonpartisan offices;

544 (ii) the separate groups of pages or display screens are identified by color or other
545 suitable means; and

546 (iii) the ballot or ballot label contain instructions that direct the voter how to vote the
547 ballot.

548 (b) If a municipality is using ballot sheets or electronic ballots, each election officer
549 shall:

550 (i) for municipalities using punch card ballots, ensure that the ballot label provides a
551 means for the voter to designate the political party in whose primary the voter is voting; and

552 (ii) determine the order for printing the names of the political parties on the ballot label
553 in accordance with Section 20A-6-305.

554 Section 8. Section **20A-7-702** is amended to read:

555 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

556 (1) The lieutenant governor shall ensure that all information submitted for publication
557 in the voter information pamphlet is:

558 (a) printed and bound in a single pamphlet;

559 (b) printed in clear readable type, no less than 10 point, except that the text of any
560 measure may be set forth in eight-point type; and

561 (c) printed on a quality and weight of paper that best serves the voters.

- 562 (2) The voter information pamphlet shall contain the following items in this order:
- 563 (a) a cover title page;
- 564 (b) an introduction to the pamphlet by the lieutenant governor;
- 565 (c) a table of contents;
- 566 (d) a list of all candidates for constitutional offices;
- 567 (e) a list of candidates for each legislative district;
- 568 (f) a 100-word statement of qualifications for each candidate for the office of governor,
- 569 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
- 570 candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before
- 571 the date of the election;
- 572 (g) information pertaining to all measures to be submitted to the voters, beginning a
- 573 new page for each measure and containing, in the following order for each measure:
- 574 (i) a copy of the number and ballot title of the measure;
- 575 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
- 576 the Legislature or by referendum;
- 577 (iii) the impartial analysis of the measure prepared by the Office of Legislative
- 578 Research and General Counsel;
- 579 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
- 580 measure, the arguments against the measure, and the rebuttal to the arguments against the
- 581 measure, with the name and title of the authors at the end of each argument or rebuttal;
- 582 (v) for each constitutional amendment, a complete copy of the text of the constitutional
- 583 amendment, with all new language underlined, and all deleted language placed within brackets;
- 584 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
- 585 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section
- 586 20A-7-202.5; and
- 587 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law
- 588 being submitted to the voters for their approval or rejection, with all new language underlined
- 589 and all deleted language placed within brackets, as applicable;

590 (h) a description provided by the Judicial Performance Evaluation Commission of the
591 selection and retention process for judges, including, in the following order:

- 592 (i) a description of the judicial selection process;
- 593 (ii) a description of the judicial performance evaluation process;
- 594 (iii) a description of the judicial retention election process;
- 595 (iv) a list of the criteria of the judicial performance evaluation and the minimum

596 performance standards;

597 (v) the names of the judges standing for retention election; and

598 (vi) for each judge:

599 (A) a list of the counties in which the judge is subject to retention election;

600 (B) a short biography of professional qualifications and a recent photograph;

601 (C) a narrative concerning the judge's performance;

602 [~~(C)~~] (D) for each standard of performance, a statement identifying whether or not the
603 judge met the standard and, if not, the manner in which the judge failed to meet the standard;

604 [~~(D)~~] ~~a statement provided by the Utah Supreme Court identifying the cumulative~~
605 ~~number of informal reprimands, when consented to by the judge in accordance with Title 78A,~~
606 ~~Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and~~
607 ~~suspension issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13~~
608 ~~during the judge's current term and the immediately preceding term, and a detailed summary of~~
609 ~~the supporting reasons for each violation of the Code of Judicial Conduct that the judge has~~
610 ~~received;]~~

611 (E) a statement identifying whether or not the Judicial Performance Evaluation
612 Commission recommends the judge be retained or declines to make a recommendation and the
613 number of votes for and against the commission's recommendation; [~~and~~]

614 (F) any statement provided by a judge who is not recommended for retention by the
615 Judicial Performance Evaluation Commission under Section 78A-12-203;

616 [~~(vii)~~] (G) [~~for each judge,~~] in a bar graph, the average of responses to each survey
617 category, displayed with an identification of the minimum acceptable score as set by Section

618 78A-12-205 and the average score of all judges of the same court level; and

619 [~~(viii)~~] (H) a website address that contains the Judicial Performance Evaluation
620 Commission's report on the judge's performance evaluation;

621 (i) for each judge, a statement provided by the Utah Supreme Court identifying the
622 cumulative number of informal reprimands, when consented to by the judge in accordance with
623 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of
624 censure and suspension issued by the Utah Supreme Court under Utah Constitution Article
625 VIII, Section 13, during the judge's current term and the immediately preceding term, and a
626 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct
627 that the judge has received;

628 [~~(i)~~] (j) an explanation of ballot marking procedures prepared by the lieutenant
629 governor, indicating the ballot marking procedure used by each county and explaining how to
630 mark the ballot for each procedure;

631 [~~(j)~~] (k) voter registration information, including information on how to obtain an
632 absentee ballot;

633 [~~(k)~~] (l) a list of all county clerks' offices and phone numbers; and

634 [~~(l)~~] (m) on the back cover page, a printed copy of the following statement signed by
635 the lieutenant governor:

636 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
637 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
638 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
639 correct according to law.

640 SEAL

641 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
642 of ____ (month), ____ (year)

643 (signed) _____
644 Lieutenant Governor"

645 (3) No earlier than 75 days, and no later than 15 days, before the day on which voting

646 commences, the lieutenant governor shall:

647 (a) (i) distribute one copy of the voter information pamphlet to each household within
648 the state;

649 (ii) distribute to each household within the state a notice:

650 (A) printed on a postage prepaid, preaddressed return form that a person may use to
651 request delivery of a voter information pamphlet by mail;

652 (B) that states the address of the Statewide Electronic Voter Information Website
653 authorized by Section 20A-7-801; and

654 (C) that states the phone number a voter may call to request delivery of a voter
655 information pamphlet by mail; or

656 (iii) ensure that one copy of the voter information pamphlet is placed in one issue of
657 every newspaper of general circulation in the state;

658 (b) ensure that a sufficient number of printed voter information pamphlets are available
659 for distribution as required by this section;

660 (c) provide voter information pamphlets to each county clerk for free distribution upon
661 request and for placement at polling places; and

662 (d) ensure that the distribution of the voter information pamphlets is completed 15 days
663 before the election.

664 (4) The lieutenant governor may distribute a voter information pamphlet at a location
665 frequented by a person who cannot easily access the Statewide Electronic Voter Information
666 Website authorized by Section 20A-7-801.

667 (5) The lieutenant governor shall:

668 (a) conduct a study to evaluate the effectiveness of the notice authorized by this
669 section; and

670 (b) provide the results of a study described in Subsection (5)(a) to the Government
671 Operations Interim Committee by October 1, 2013.

672 Section 9. Section **20A-11-104** is amended to read:

673 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of**

674 **campaign funds -- Enforcement -- Penalties.**

675 (1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:

676 (i) (A) is not excluded from the definition of personal use expenditure by Subsection

677 (2); and

678 (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's
679 or officeholder's family, which interest is not connected with the performance of an activity as
680 a candidate or an activity or duty of an officeholder; or

681 (ii) would cause the candidate or officeholder to recognize the expenditure as taxable
682 income under federal law.

683 (b) "Personal use expenditure" includes:

684 (i) a mortgage, rent, utility, or vehicle payment;

685 (ii) a household food item or supply;

686 (iii) clothing, except for clothing:

687 (A) bearing the candidate's name or campaign slogan or logo; and

688 (B) used in the candidate's campaign;

689 (iv) an admission to a sporting, artistic, or recreational event or other form of
690 entertainment;

691 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;

692 (vi) a salary payment made to:

693 (A) a candidate or officeholder; or

694 (B) a person who has not provided a bona fide service to a candidate or officeholder;

695 (vii) a vacation;

696 (viii) a vehicle expense;

697 (ix) a meal expense;

698 (x) a travel expense;

699 (xi) a payment of an administrative, civil, or criminal penalty;

700 (xii) a satisfaction of a personal debt;

701 (xiii) a personal service, including the service of an attorney, accountant, physician, or

- 702 other professional person;
- 703 (xiv) a membership fee for a professional or service organization; and
- 704 (xv) a payment in excess of the fair market value of the item or service purchased.
- 705 (2) As used in this chapter, "personal use expenditure" does not mean an expenditure
- 706 made:
- 707 (a) for a political purpose;
- 708 (b) for candidacy for public office;
- 709 (c) to fulfill a duty or activity of an officeholder;
- 710 (d) for a donation to a registered political party;
- 711 (e) for a contribution to another candidate's campaign account, including sponsorship
- 712 of or attendance at an event, the primary purpose of which is to solicit a contribution for
- 713 another candidate's campaign account;
- 714 (f) to return all or a portion of a contribution to a contributor;
- 715 (g) for the following items, if made in connection with the candidacy for public office
- 716 or an activity or duty of an officeholder:
- 717 (i) (A) a mileage allowance at the rate established by the Division of Finance under
- 718 Section 63A-3-107; or
- 719 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 720 (ii) a meal expense;
- 721 (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 722 (iv) a payment for a service provided by an attorney or accountant;
- 723 (v) a tuition payment or registration fee for participation in a meeting or conference;
- 724 (vi) a gift;
- 725 (vii) a payment for the following items in connection with an office space:
- 726 (A) rent;
- 727 (B) utilities;
- 728 (C) a supply; or
- 729 (D) furnishing;

- 730 (viii) a booth at a meeting or event; or
- 731 (ix) educational material;
- 732 (h) to purchase or mail informational material, a survey, or a greeting card;
- 733 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
- 734 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
- 735 as defined in Section 13-22-2;
- 736 (j) to repay a loan a candidate makes from the candidate's personal account to the
- 737 candidate's campaign account;
- 738 (k) to pay membership dues to a national organization whose primary purpose is to
- 739 address general public policy;
- 740 (l) for admission to or sponsorship of an event, the primary purpose of which is to
- 741 promote the social, educational, or economic well-being of the state or the candidate's or
- 742 officeholder's community; or
- 743 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
- 744 or conference described in this Subsection (2).
- 745 (3) (a) The lieutenant governor shall enforce this ~~[section]~~ chapter prohibiting a
- 746 personal use expenditure by:
- 747 (i) evaluating a financial statement to identify a personal use expenditure; and
- 748 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,
- 749 Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to
- 750 believe a candidate or officeholder has made a personal use expenditure.
- 751 (b) Following the proceeding, the lieutenant governor may issue a signed order
- 752 requiring a candidate or officeholder who has made a personal use expenditure to:
- 753 (i) remit an administrative penalty of an amount equal to 50% of the personal use
- 754 expenditure to the lieutenant governor; and
- 755 (ii) deposit the amount of the personal use expenditure in the campaign account from
- 756 which the personal use expenditure was disbursed.
- 757 (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in

758 the General Fund.

759 Section 10. Section **20A-11-402** is amended to read:

760 **20A-11-402. Officeholder financial reporting requirements -- Termination of**
761 **duty to report.**

762 (1) An officeholder is active and subject to reporting requirements until the
763 officeholder has filed a statement of dissolution with the lieutenant governor stating that:

764 (a) the officeholder is no longer receiving contributions or public service assistance and
765 is no longer making expenditures;

766 (b) the ending balance on the last summary report filed is zero and the balance in the
767 separate bank account required by [~~Sections~~] Section 20A-11-201 [~~and~~], 20A-11-301, or
768 20A-11-1301 is zero; and

769 (c) a final summary report in the form required by Section 20A-11-401 showing a zero
770 balance is attached to the statement of dissolution.

771 (2) A statement of dissolution and a final summary report may be filed at any time.

772 (3) Each officeholder shall continue to file the year-end summary report required by
773 Section 20A-11-401 until the statement of dissolution and final summary report required by
774 this section are filed with the lieutenant governor.

775 (4) An officeholder may not use a contribution deposited in an account in accordance
776 with this chapter for:

777 (a) a personal use expenditure; or

778 (b) an expenditure prohibited by law.

779 (5) (a) Except as provided in Subsection (5)(b), a person who is no longer an
780 officeholder may not expend or transfer the money in a campaign account in a manner that
781 would cause the former officeholder to recognize the money as taxable income under federal
782 tax law.

783 (b) A person who is no longer an officeholder may transfer the money in a campaign
784 account in a manner that would cause the former officeholder to recognize the money as
785 taxable income under federal tax law if the transfer is made to a campaign account for federal

786 office.