

HB0053S01 compared with HB0053

~~{deleted text}~~ shows text that was in HB0053 but was deleted in HB0053S01.

inserted text shows text that was not in HB0053 but was inserted into HB0053S01.

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Representative Kraig Powell proposes the following substitute bill:

ELECTION LAW AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~—The Government Operations Interim Committee recommended this bill.~~

~~{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;

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- ▶ 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

20A-1-203, as last amended by Laws of Utah 2012, Chapter 359

20A-1-201.5, as last amended by Laws of Utah 2011, Chapter 327

20A-3-302, as last amended by Laws of Utah 2012, Chapters 40 and 309

20A-3-306, as last amended by Laws of Utah 2012, Chapter 309

20A-3-605, as last amended by Laws of Utah 2012, Chapter 97

20A-6-401.1, as last amended by Laws of Utah 2012, Chapter 68

20A-7-702, as last amended by Laws of Utah 2012, Chapter 334

20A-11-104, as last amended by Laws of Utah 2011, Chapter 340

20A-11-402, as last amended by Laws of Utah 2010, Chapter 246

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

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

20A-1-102. Definitions.

As used in this title:

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

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

(3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,

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upon which a voter records the voter's votes.

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

(4) "Ballot sheet":

(a) means a ballot that:

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

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

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

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

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

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

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

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

(23) "Elected official" means:

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

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

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

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

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

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

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

(a) preside over other poll workers at a polling place;

(b) act as the presiding election judge; or

(c) serve as a canvassing judge, counting judge, or receiving judge.

(28) "Election officer" means:

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

(b) the county clerk for:

(i) a county ballot and election; and

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

(c) the municipal clerk for:

(i) a municipal ballot and election; and

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

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

(i) a local district ballot and election; and

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

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

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- (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- (29) "Election official" means any election officer, election judge, or poll worker.
- (30) "Election results" means:
- (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
 - (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- (31) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
- (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.
- (33) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- (b) "Electronic voting device" includes a direct recording electronic voting device.
- (35) "Inactive voter" means a registered voter who has:
- (a) been sent the notice required by Section 20A-2-306; and
 - (b) failed to respond to that notice.
- (36) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.
- (37) "Judicial office" means the office filled by any judicial officer.
- (38) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- (39) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

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

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

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

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

(44) "Municipal executive" means:

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

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

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

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

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

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

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

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

(51) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

- (i) the poll worker's initials; and
- (ii) the ballot number.

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

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

- (a) the names of offices and candidates and statements of ballot propositions to be voted on; and
- (b) spaces for the voter to record the voter's vote for each office and for or against each ballot proposition.

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

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

- (b) "Poll worker" includes election judges.
- (c) "Poll worker" does not include a watcher.

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

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

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

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

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

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

(61) "Provisional ballot envelope" means an envelope printed in the form required by

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Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

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

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

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

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

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

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

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

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

(69) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and nonpolitical groups to advance to the regular general election.

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

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

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

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

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

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

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

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

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

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

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

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

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

(82) "Valid voter identification" means:

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

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

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(c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

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

(iii) a certified birth certificate;

(iv) a valid Social Security card;

(v) a check issued by the state or the federal government or a legible copy thereof;

(vi) a paycheck from the voter's employer, or a legible copy thereof;

(vii) a currently valid Utah hunting or fishing license;

(viii) certified naturalization documentation;

(ix) a currently valid license issued by an authorized agency of the United States;

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

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

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

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

(xiii) a current Utah vehicle registration.

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

(84) "Voter" means a person who:

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

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

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

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machines, and ballot box.

(87) "Voting booth" means:

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

(b) a voting device that is free standing.

(88) "Voting device" means:

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

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

(c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;

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

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

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

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

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

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

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

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

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

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

20A-1-201.5. Primary election dates.

(1) A regular primary election shall be held throughout the state on the fourth Tuesday of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for

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national, state, school board, and county offices.

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

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

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

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

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

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

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

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

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

(b) the purpose for the statewide special election.

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

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

(b) the purpose for the statewide special election.

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

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

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

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

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

(v) if required or authorized by federal law, a vote to determine whether or not Utah's

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legal boundaries should be changed;

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

(vii) a vote to elect members to school district boards for a new school district and a remaining school district, as defined in Section 53A-2-117, following the creation of a new school district under Section 53A-2-118.1; ~~[or]~~

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

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

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

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

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

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

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

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

(ii) the purpose for the local special election.

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

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

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

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

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

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

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

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

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- (a) an absentee ballot;
- (b) a statement that there will be no polling place in the voting precinct for the election;
- (c) a business reply mail envelope;
- (d) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
- (e) if the election officer does not operate an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.

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

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

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

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

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

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

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

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

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

(ii) disqualify the initial absentee ballot.

Section ~~{4}~~5. Section **20A-3-306** is amended to read:

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

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

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absentee ballot;
- (iii) place the voted absentee ballot in the envelope;
- (iv) securely seal the envelope; and

(v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.

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

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absent-voter ballot;
- (iii) place the voted absent-voter ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) give the ballot and envelope to the election officer.

(2) An absentee ballot is not valid unless:

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

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

(i) postmarked on or before election day; and

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

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

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

20A-3-605. ~~{Exemption}~~ Exemptions from early voting ~~{for a local district election -- Optional early voting for fifth class municipality or town}~~.

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

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

(2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth

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class or a town as described in Section 10-2-301 may provide early voting as provided under this part for:

- (a) a municipal primary election; or
- (b) a municipal general election.

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

Section ~~5~~7. Section **20A-6-401.1** is amended to read:

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

- (1) If a municipality is using paper ballots, each election officer shall ensure that:
 - (a) all paper ballots furnished for use at the regular primary election:
 - (i) are perforated to separate the candidates of one political party from those of the other political parties so that the voter may separate the part of the ballot containing the names of the political party of the voter's choice from the rest of the ballot;
 - (ii) have sides that are perforated so that the outside sections of the ballot, when detached, are similar in appearance to the inside sections of the ballot when detached; and
 - (iii) contain no captions or other endorsements except as provided in this section;
 - (b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;
 - (c) the political parties are printed on the ballot in the order specified under Section 20A-6-305;
 - (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the top of the ballot;
 - (ii) the ballot number and the words "Poll Worker's Initials ____" are printed on the stub; and
 - (iii) ballot stubs are numbered consecutively;
 - (e) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:
 - (i) "Official Primary Ballot for ____ [~~County~~] (name of municipality), Utah";
 - (ii) the date of the election; and
 - (iii) a facsimile of the signature of the [~~county~~] municipal clerk or recorder and the words "[~~county~~] municipal clerk" or "municipal recorder";

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

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

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

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

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

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

(l) the nonpartisan candidates are listed as follows:

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

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

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

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

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

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

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

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

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

Section ~~6~~8. Section **20A-7-702** is amended to read:

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

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

(a) printed and bound in a single pamphlet;

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

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

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before the date of the election;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

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(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

(iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5; and

(vii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

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

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;

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

(vi) for each judge:

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

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

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

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

~~[(D)] a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A,~~

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~~Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;~~]

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

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

~~[(vii)]~~ (G) [~~for each judge,~~] in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

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

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

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

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

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

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

"I, _____ (print name), Lieutenant Governor of Utah, certify that the

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measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

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

(signed) _____

Lieutenant Governor"

(3) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

(5) The lieutenant governor shall:

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

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

Section ~~77~~9. Section **20A-11-104** is amended to read:

20A-11-104. Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.

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

(i) (A) is not excluded from the definition of personal use expenditure by Subsection (2); and

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

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

(b) "Personal use expenditure" includes:

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

(ii) a household food item or supply;

(iii) clothing, except for clothing:

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

(B) used in the candidate's campaign;

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

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

(vi) a salary payment made to:

(A) a candidate or officeholder; or

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

(vii) a vacation;

(viii) a vehicle expense;

(ix) a meal expense;

(x) a travel expense;

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- (xi) a payment of an administrative, civil, or criminal penalty;
 - (xii) a satisfaction of a personal debt;
 - (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
 - (xiv) a membership fee for a professional or service organization; and
 - (xv) a payment in excess of the fair market value of the item or service purchased.
- (2) As used in this chapter, "personal use expenditure" does not mean an expenditure made:
- (a) for a political purpose;
 - (b) for candidacy for public office;
 - (c) to fulfill a duty or activity of an officeholder;
 - (d) for a donation to a registered political party;
 - (e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
 - (f) to return all or a portion of a contribution to a contributor;
 - (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
 - (i) (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or
 - (B) for motor fuel or special fuel, as defined in Section 59-13-102;
 - (ii) a meal expense;
 - (iii) a travel expense, including an expense incurred for airfare or a rental vehicle;
 - (iv) a payment for a service provided by an attorney or accountant;
 - (v) a tuition payment or registration fee for participation in a meeting or conference;
 - (vi) a gift;
 - (vii) a payment for the following items in connection with an office space:
 - (A) rent;
 - (B) utilities;
 - (C) a supply; or
 - (D) furnishing;

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- (viii) a booth at a meeting or event; or
- (ix) educational material;
- (h) to purchase or mail informational material, a survey, or a greeting card;
- (i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;
- (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
- (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
- (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community; or
- (m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2).

(3) (a) The lieutenant governor shall enforce this ~~[section]~~ chapter prohibiting a personal use expenditure by:

- (i) evaluating a financial statement to identify a personal use expenditure; and
- (ii) commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to believe a candidate or officeholder has made a personal use expenditure.

(b) Following the proceeding, the lieutenant governor may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:

- (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and
- (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.

(c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in the General Fund.

Section ~~8~~10. Section **20A-11-402** is amended to read:

20A-11-402. Officeholder financial reporting requirements -- Termination of

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duty to report.

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

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

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

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

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

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

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

(a) a personal use expenditure; or

(b) an expenditure prohibited by law.

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

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

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~~as of 11-15-12 6:33 AM~~

~~Office of Legislative Research and General Counsel}~~