

Representative Kraig Powell proposes the following substitute bill:

AMENDMENTS TO ELECTION LAWS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill allows an individual who is 16 or 17 years of age to serve as a poll worker in an election and prohibits a candidate's family member from serving as a poll worker.

Highlighted Provisions:

This bill:

- ▶ allows an individual who is 16 or 17 years of age to serve as a receiving judge in a regular primary and a regular general election;
- ▶ prohibits a county legislative body from appointing a candidate's family member as a poll worker in a precinct where the candidate appears on the ballot;
- ▶ allows an individual who is 16 or 17 years of age to work as a poll worker in a local election;
- ▶ prohibits a municipal legislative body or local district board from appointing a candidate's family member as a poll worker in a precinct where the candidate appears on the ballot; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **20A-5-601**, as last amended by Laws of Utah 2007, Chapter 75

30 **20A-5-602**, as last amended by Laws of Utah 2007, Chapters 75, 256, and 329



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

33 Section 1. Section **20A-5-601** is amended to read:

34 **20A-5-601. Poll workers -- Appointment for regular general elections and**
35 **primary elections.**

36 (1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the
37 county chair of each registered political party a list of the number of poll workers that the party
38 must nominate for each voting precinct.

39 (b) (i) By April 1 of each even-numbered year, the county chair and secretary of each
40 registered political party shall file a list with the county clerk containing, for each voting
41 precinct, the names of [~~registered voters~~] individuals in the county who are willing to [~~be~~]
42 serve as poll workers, who are qualified to serve as poll workers in accordance with this
43 section, and who are competent and trustworthy.

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

46 (2) Each county legislative body shall provide for the appointment of [~~persons~~]
47 individuals to serve as poll workers at the regular primary election, the regular general election,
48 and the Western States Presidential Primary.

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

51 (a) (i) three registered voters, or two registered voters and one individual who is 16 or
52 17 years of age, from the list to serve as receiving judges for each voting precinct when ballots
53 will be counted after the polls close; or

54 (ii) three registered voters, or two registered voters and one individual who is 16 or 17
55 years of age, from the list to serve as receiving judges in each voting precinct and three
56 registered voters from the list to serve as counting judges in each voting precinct when ballots

57 will be counted throughout election day; and

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

60 (4) For regular primary elections and for the Western States Presidential Primary
61 election, each county legislative body shall provide for the appointment of:

62 (a) (i) two or three registered voters, or one or two registered voters and one [~~person 17~~
63 ~~years old who will be 18 years old by the date of the next regular general election~~] individual
64 who is 16 or 17 years of age, from the list to serve as receiving judges for each voting precinct
65 when ballots will be counted after the polls close; or

66 (ii) two or three registered voters, or one or two registered voters and one [~~person 17~~
67 ~~years old who will be 18 years old by the date of the next regular general election~~] individual
68 who is 16 or 17 years of age, from the list to serve as receiving judges in each voting precinct
69 and two or three registered voters, or one or two registered voters and one [~~person~~] individual
70 17 years [~~old~~] of age who will be 18 years [~~old~~] of age by the date of the next regular general
71 election, from the list to serve as counting judges in each voting precinct when ballots will be
72 counted throughout election day; and

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

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

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

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

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

87 (i) two judges are appointed from the political party that cast the highest number of

88 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
89 excluding votes for unopposed candidates, in the voting precinct at the last regular general
90 election before the appointment of the election judges; and

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

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

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

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

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

108 (a) for the regular primary election and the Western States Presidential Primary
109 election, when the county legislative body is using three receiving, counting, and canvassing
110 judges, and regular general election, not more than two of the judges are selected from the
111 political party that cast the highest number of votes for the offices of governor, lieutenant
112 governor, attorney general, state auditor, and state treasurer in the territory that formed the
113 voting precinct at the time of appointment; and

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

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

- 121 (a) a political party fails to file the poll worker list by the filing deadline; or
122 (b) the list is incomplete.

123 (9) A registered voter of the county may serve as a poll worker in any voting precinct
124 of the county.

125 (10) A county legislative body may not appoint a candidate's parent, sibling, spouse,
126 child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or
127 son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.

128 [~~(10)~~] (11) If [~~a person~~] an individual serves as a poll worker outside the voting
129 precinct where the [~~person~~] individual is registered, that [~~person~~] individual may vote an
130 absentee voter ballot.

131 [~~(11)~~] (12) The county clerk shall fill all poll worker vacancies.

132 [~~(12)~~] (13) If a conflict arises over the right to certify the poll worker lists for any
133 political party, the county legislative body may decide between conflicting lists, but may only
134 select names from a properly submitted list.

135 [~~(13)~~] (14) The county legislative body shall establish compensation for poll workers.

136 [~~(14)~~] (15) The county clerk may appoint additional poll workers to serve in the polling
137 place as needed.

138 Section 2. Section **20A-5-602** is amended to read:

139 **20A-5-602. Poll workers -- Appointment for local elections.**

140 (1) At least 15 days before the date scheduled for any local election, the municipal
141 legislative body or local district board shall appoint or provide for the appointment of:

142 (a) in jurisdictions using paper ballots:

143 (i) three registered voters, or two registered voters and one [~~person 17 years old who~~
144 ~~will be 18 years old by the date of the regular municipal election~~] individual who is 16 or 17
145 years of age, who reside within the county to serve as poll workers for each voting precinct
146 when the ballots will be counted after the polls close; or

147 (ii) three registered voters, or two registered voters and one [~~person 17 years old who~~
148 ~~will be 18 years old by the date of the regular municipal election~~] individual who is 16 or 17
149 years of age, who reside within the county to serve as receiving judges in each voting precinct

150 and three registered voters, or two registered voters and one ~~[person]~~ individual 17 years ~~[old]~~
151 of age who will be 18 years ~~[old]~~ of age by the date of the regular municipal election, who
152 reside within the county to serve as counting judges in each voting precinct when ballots will
153 be counted throughout election day;

154 (b) in jurisdictions using automated tabulating equipment, three registered voters, or
155 two registered voters and one ~~[person 17 years old who will be 18 years old by the date of the~~
156 ~~regular municipal election]~~ individual who is 16 or 17 years of age, who reside within the
157 county to serve as poll workers for each voting precinct;

158 (c) in jurisdictions using voting machines, four registered voters, or three registered
159 voters and one ~~[person 17 years old who will be 18 years old by the date of the regular~~
160 ~~municipal election]~~ individual who is 16 or 17 years of age, who reside within the county to
161 serve as poll workers for each voting precinct; and

162 (d) in all jurisdictions:

163 (i) at least one registered voter who resides within the county to serve as canvassing
164 judge, if necessary; and

165 (ii) as many alternate poll workers as needed to replace appointed poll workers who are
166 unable to serve.

167 (2) The municipal legislative body and local district board may not appoint any
168 candidate's parent, sibling, spouse, child, ~~[or in-law]~~ mother-in-law, father-in-law,
169 sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker ~~[in the~~
170 ~~voting precinct where the candidate resides]~~ in a precinct where the candidate appears on the
171 ballot.

172 (3) The clerk shall:

173 (a) prepare and file a list containing the name, address, voting precinct, and telephone
174 number of each ~~[person]~~ individual appointed; and

175 (b) make the list available in the clerk's office for inspection, examination, and copying
176 during business hours.

177 (4) (a) The municipal legislative body and local district board shall compensate poll
178 workers for their services.

179 (b) The municipal legislative body and local district board may not compensate their
180 poll workers at a rate higher than that paid by the county to its poll workers.