

## HB0282S01 compared with HB0282

~~{deleted text}~~ shows text that was in HB0282 but was deleted in HB0282S01.

inserted text shows text that was not in HB0282 but was inserted into HB0282S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kraig Powell proposes the following substitute bill:

### AMENDMENTS TO ELECTION LAWS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill allows an individual ~~{at least}~~who is 16 or 17 years of age to serve as a ~~{receiving judge}~~poll worker in an election~~{,}~~ and prohibits a candidate's family member from serving as a poll worker~~{, and changes the write-in candidate deadline}~~.

##### Highlighted Provisions:

This bill:

- ▶ allows an individual ~~{at least}~~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 ~~{at least}~~who is 16 or 17 years of age to work as a ~~{receiving judge}~~poll worker in a local election;

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- ▶ 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;†

→ ~~establishes the write-in candidate deadline for a city of the fifth class or for a town as 30 days before a municipal general election;†~~ and

- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

~~{ **20A-9-601**, as last amended by Laws of Utah 2013, Chapters 317 and 402~~

}

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

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

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

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

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

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

(2) Each county legislative body shall provide for the appointment of [~~persons~~]

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individuals to serve as poll workers at the regular primary election, the regular general election, and the Western States Presidential Primary.

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

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

(ii) three registered voters, or two registered voters and one individual ~~at least~~ who is 16 or 17 years of age, from the list to serve as receiving judges in each voting precinct and three registered voters from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) for the regular primary election and the Western States Presidential Primary

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election, when the county legislative body is using three receiving, counting, and canvassing judges, and regular general election, not more than two of the judges are selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) in jurisdictions using paper ballots:

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

(ii) three registered voters, or two registered voters and one ~~[person 17 years old who will be 18 years old by the date of the regular municipal election]~~ individual ~~{at least}~~ who is 16 or 17 years of age, who reside within the county to serve as receiving judges in each voting precinct and three registered voters, or two registered voters and one ~~[person]~~ individual 17 years ~~{old}~~ of age who will be 18 years ~~{old}~~ of age by the date of the regular municipal election, who reside within the county to serve as counting judges in each voting precinct when ballots will be counted throughout election day;

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

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

(d) in all jurisdictions:

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

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

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

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ballot.

(3) The clerk shall:

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

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

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

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

~~{ Section 3. Section 20A-9-601 is amended to read:~~

~~20A-9-601. Qualifying as a write-in candidate:~~

~~(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer not later than 30 days before the regular general election or:~~

~~(i) 60 days before a municipal general election in which the person intends to be a write-in candidate[.] in a city of the first, second, third, or fourth class as described in Section 10-2-301; or~~

~~(ii) 30 days before a municipal general election in which the person intends to be a write-in candidate in a city of the fifth class or a town as described in Section 10-2-301.~~

~~(b) (i) The form of the declaration of candidacy for all offices, except president of the United States, is substantially as follows:~~

~~"State of Utah, County of \_\_\_\_\_~~

~~I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_\_ for the \_\_\_\_\_ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.~~

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The mailing address that I designate for receiving official election notices is

\_\_\_\_\_.

\_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ (month\day\year):

Notary Public (or other officer qualified to administer oath)."

(ii) The form of the declaration of candidacy for president of the United States is substantially as follows:

"State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of the president of the United States. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate for receiving official election notices is \_\_\_\_\_. I designate \_\_\_\_\_ as my vice presidential candidate.

\_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ (month\day\year):

Notary Public (or other officer qualified to administer oath)."

(iii) An agent designated to file a declaration of candidacy under Subsection (2) may not sign the form described in Subsection (1)(b)(i) or (ii):

(c) (i) The filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office; and

(B) ask the candidate whether or not the candidate meets the requirements:

(ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(2) Notwithstanding the requirement in Subsection (1) to file a declaration of candidacy in person, a person may designate an agent to file the declaration of candidacy in person with the filing officer if:

(a) the person is located outside the state during the filing period because:

(i) of employment with the state or the United States; or



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~~—— (ii) the person is a member of:~~

~~—— (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;~~

~~—— (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or~~

~~—— (C) the National Guard on activated status; and~~

~~—— (b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other.~~

~~—— (3) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.~~

### Legislative Review Note

~~—— as of 1-14-14 3:19 PM~~

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