

HB0282S02 compared with HB0282S01

~~{deleted text}~~ shows text that was in HB0282S01 but was deleted in HB0282S02.

inserted text shows text that was not in HB0282S01 but was inserted into HB0282S02.

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~~{Representative Kraig Powell}~~Senator Kevin T. Van Tassell 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;

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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; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill coordinates with S.B. 116, Poll Worker Amendments, by providing substantive and technical amendments.

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

Utah Code Sections Affected by Coordination Clause:

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

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 who is 16 or 17 years of age and two registered voters, one of whom is at least 21 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 who is 16 or 17 years of age and two registered voters, one of whom is at least 21 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 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 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)]~~

(4) For each precinct in which ballots are counted after the polls close, in a regular primary election and for the Western States Presidential Primary election, each county

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legislative body shall provide for the appointment of two or three individuals from the list to serve as receiving judges:

- (a) each of whom is a registered voter; or
- (b) (i) the first of whom is a registered voter and at least 21 years of age;
(ii) the second of whom is 16 or 17 years of age; and
(iii) if three individuals are appointed, the third of whom is a registered voter.

(5) For each precinct in which ballots are counted throughout election day, in a regular primary election and for the Western States Presidential Primary election, each county legislative body shall provide for the appointment of:

- (a) two or three individuals from the list to serve as receiving judges:
 - (i) each of whom is a registered voter; or
 - (ii) (A) the first of whom is a registered voter and at least 21 years of age;
(B) the second of whom is 16 or 17 years of age; and
(C) if three individuals are appointed, the third of whom is a registered voter; and

(b) two or three individuals from the list to serve as counting judges:

- (i) each of whom is a registered voter; or
- (ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the

next regular general election; and

(B) each of the rest of whom is a registered voter; and

~~(b)~~ (c) 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)~~ (6) Each county legislative body may provide for the appointment of:

(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)~~ (7) (a) For each set of three counting or receiving judges to be appointed for each

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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)~~ (8) 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 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

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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)]~~ [(9)] 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)]~~ [(10)] A registered voter of the county may serve as a poll worker in any voting precinct of the county.

~~[(10)]~~ [(11)] 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)]~~ [(12)] 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)]~~ [(13)] The county clerk shall fill all poll worker vacancies.

~~[(12)]~~ ~~[(13)]~~ [(14)] 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)]~~ [(15)] The county legislative body shall establish compensation for poll workers.

~~[(14)]~~ ~~[(15)]~~ [(16)] 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.

~~[(1)]~~ [(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)]~~ [(a)] ~~in jurisdictions using paper ballots;~~

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

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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 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 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 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);]~~

(1) A municipal legislative body or local district board appointing, or providing for the appointment of, a poll worker for a local election under this section shall appoint the poll worker at least 15 days before the date of the local election.

(2) For each precinct that uses a paper ballot, and where the ballots are counted after the polls close, the municipal legislative body or local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:

(a) each of whom is a registered voter; or

(b) (i) the first of whom is a registered voter;

(ii) the second of whom is a registered voter and at least 21 years of age; and

(iii) the third of whom is 16 or 17 years of age.

(3) For each precinct that uses a paper ballot, and where the ballots are counted throughout the day, the municipal legislative body or local district board shall appoint, or provide for the appointment of:

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(a) three individuals who reside within the county to serve as receiving judges;

(i) each of whom is a registered voter; or

(ii) (A) the first of whom is a registered voter;

(B) the second of whom is a registered voter and at least 21 years of age; and

(C) the third of whom is 16 or 17 years of age; and

(b) three individuals who reside within the county to serve as counting judges;

(i) each of whom is a registered voter; or

(ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the next regular municipal election; and

(B) each of the rest of whom is a registered voter.

(4) For each precinct using automated tabulating equipment, the municipal legislative body or local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:

(a) each of whom is a registered voter; or

(b) (i) the first of whom is a registered voter;

(ii) the second of whom is a registered voter and at least 21 years of age; and

(iii) the third of whom is 16 or 17 years of age.

(5) For each precinct using voting machines, the municipal legislative body or local district board shall appoint, or provide for the appointment of, four individuals who reside within the county to serve as poll workers:

(a) each of whom is a registered voter; or

(b) (i) the first of whom is a registered voter and at least 21 years of age;

(ii) the second of whom is 16 or 17 years of age; and

(iii) each of the rest of whom is a registered voter.

(6) In all jurisdictions, the municipal legislative body or local district board shall appoint, or provide for the appointment of:

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

[(+)] (b) as many alternate poll workers as needed to replace appointed poll workers who are unable to serve.

[(2)] (7) The municipal legislative body and local district board may not appoint any

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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 ballot.

~~[(3)]~~ [(8)] 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)]~~ [(9)] (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. Coordinating H.B. 282 with S.B. 116 -- Substantive and technical amendments.

If this H.B. 282 and S.B. 116, Poll Worker Amendments, both pass and become law, it is the intent of the Legislature that Section 20A-5-602 be amended to read:

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

~~[(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, 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, 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 17 years old who will be 18 years old 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;]~~

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~~[(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, 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, who reside within the county to serve as poll workers for each voting precinct; and]~~

~~[(d) in all jurisdictions:]~~

~~(1) A county legislative body, a municipal legislative body, or a local district board appointing, or providing for the appointment of, a poll worker for a local election under this section shall appoint the poll worker at least 15 days before the date of the local election.~~

~~(2) For each precinct that uses a paper ballot, and where the ballots are counted after the polls close, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:~~

~~(a) each of whom is a registered voter; or~~

~~(b) (i) the first of whom is a registered voter;~~

~~(ii) the second of whom is a registered voter and at least 21 years of age; and~~

~~(iii) the third of whom is 16 or 17 years of age.~~

~~(3) For each precinct that uses a paper ballot, and where the ballots are counted throughout the day, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of:~~

~~(a) three individuals who reside within the county to serve as receiving judges:~~

~~(i) each of whom is a registered voter; or~~

~~(ii) (A) the first of whom is a registered voter;~~

~~(B) the second of whom is a registered voter and at least 21 years of age; and~~

~~(C) the third of whom is 16 or 17 years of age; and~~

~~(b) three individuals who reside within the county to serve as counting judges:~~

~~(i) each of whom is a registered voter; or~~

~~(ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the~~

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next local election; and

(B) each of the rest of whom is a registered voter.

(4) For each precinct using automated tabulating equipment, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:

(a) each of whom is a registered voter; or

(b) (i) the first of whom is a registered voter;

(ii) the second of whom is a registered voter and at least 21 years of age; and

(iii) the third of whom is 16 or 17 years of age.

(5) For each precinct using voting machines, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, four individuals who reside within the county to serve as poll workers:

(a) each of whom is a registered voter; or

(b) (i) the first of whom is a registered voter and at least 21 years of age;

(ii) the second of whom is 16 or 17 years of age; and

(iii) each of the rest of whom is a registered voter.

(6) In all jurisdictions, the county legislative body, the municipal legislative body, or local district board shall appoint, or provide for the appointment of:

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

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

[(2)] (7) The county legislative body, the municipal legislative body, and the 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 th ballot.

[(3)] (8) 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

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during business hours.

[~~(4)~~] (9) (a) The county legislative body, the municipal legislative body, and the 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."