

Senator Curtis S. Bramble proposes the following substitute bill:

UTAH PRESIDENTIAL PRIMARY ELECTRONIC VOTING

PILOT PROJECT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Cox

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to the Western States Presidential Primary.

Highlighted Provisions:

This bill:

- ▶ provides that, if the Legislature funds a Western States Presidential Primary election, the election shall be held on a date designated by the lieutenant governor;
- ▶ provides that the Legislature may declare, via intent language in the appropriation for a Western States Presidential Primary election, that the election shall be held electronically;
- ▶ grants rulemaking authority to the director of elections within the lieutenant governor's office;
- ▶ grants authority to the lieutenant governor to adjust dates and deadlines in order to conduct an electronic election described in this bill; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-9-802**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

31 **20A-9-803**, as last amended by Laws of Utah 2013, Chapter 317

32 **20A-9-805**, as enacted by Laws of Utah 1999, Chapter 22

33 **20A-9-806**, as last amended by Laws of Utah 2006, Chapter 326

34 ENACTS:

35 **20A-9-802.5**, Utah Code Annotated 1953



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

38 Section 1. Section **20A-9-802** is amended to read:

39 **20A-9-802. Western States Presidential Primary established -- Other ballot items**
40 **prohibited.**

41 (1) (a) [(†)] Contingent upon legislative appropriation, there is established a Western
42 States Presidential Primary election to be held on [~~the first Tuesday in February in the year in~~
43 ~~which a presidential election will be held~~] a date designated by the lieutenant governor.

44 (b) If the Legislature declares, via intent language in the appropriation described in
45 Subsection (1)(a), that the Western States Presidential Primary election will be held
46 electronically, the lieutenant governor shall conduct the election in accordance with Section
47 20A-9-802.5.

48 [(†)] (2) A political party may participate in a regular primary election for the office of
49 President of the United States only if there is no Western States Presidential Primary election in
50 that year.

51 [(b)] (3) Except as otherwise specifically provided in this chapter, county clerks shall
52 administer the Western States Presidential Primary according to the provisions of Title 20A,
53 Election Code, including:

54 [(†)] (a) Title 20A, Chapter 1, General Provisions;

55 [(†)] (b) Title 20A, Chapter 2, Voter Registration;

56 [(†††)] (c) Title 20A, Chapter 3, Voting;

57 [~~(iv)~~] (d) Title 20A, Chapter 4, Election Returns and Election Contests;

58 [~~(v)~~] (e) Title 20A, Chapter 5, Election Administration; and

59 [~~(vi)~~] (f) Title 20A, Chapter 6, Ballot Form.

60 [~~(c)~~ ~~(i)~~] (4)(a) The county clerks shall ensure that the ballot voted by the voters at the
61 Western States Presidential Primary contains only the names of candidates for President of the
62 United States who have qualified as provided in this part.

63 [~~(ii)~~] (b) The county clerks may not present any other items to the voters to be voted
64 upon at this election.

65 [~~(2)~~] (5) Registered political parties, and candidates for President of the United States
66 who are affiliated with a registered political party, may participate in the Western States
67 Presidential Primary established by this part.

68 [~~(3)~~] (6) As a condition for using the state's election system, each registered political
69 party wishing to participate in Utah's Western States Presidential Primary shall:

70 (a) declare their intent to participate in the Western States Presidential Primary;

71 (b) identify one or more registered political parties whose members may vote for the
72 registered political party's candidates and whether or not persons identified as unaffiliated with
73 a political party may vote for the registered political party's candidates; and

74 (c) except as provided in Subsection (7), certify that information to the lieutenant
75 governor no later than 5 p.m. on the June 30 of the year before the year in which the
76 presidential primary will be held.

77 (7) If the Legislature makes the declaration described in Subsection (1)(b), the
78 lieutenant governor shall change the deadline described in Subsection (6)(c), as necessary, in
79 order to comply with the requirements of Subsection (1)(b).

80 Section 2. Section **20A-9-802.5** is enacted to read:

81 **20A-9-802.5. Utah Presidential Primary Electronic Voting Pilot Project.**

82 (1) Notwithstanding any other provision of this title, if the Legislature makes the
83 declaration described in Subsection 20A-9-802(1)(b), the lieutenant governor shall:

84 (a) ensure that adequate measures are in place to conduct the election in an accurate
85 and secure manner;

86 (b) ensure the confidentiality of all votes; and

87 (c) make changes to deadlines and other requirements of this title to the extent

88 necessary to fulfill the requirements of this section.

89 (2) The director of elections, within the lieutenant governor's office, may make rules to
90 ensure that a Western States Presidential Primary election that is held electronically is
91 conducted in accordance with the provisions of this section and the other provisions of this
92 chapter.

93 Section 3. Section **20A-9-803** is amended to read:

94 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

95 (1) Candidates for president of the United States who are affiliated with a registered
96 political party in Utah that has elected to participate in Utah's Western States Presidential
97 Primary and who wish to participate in the primary shall:

98 (a) except as provided in Subsection (4), file a declaration of candidacy, in person or
99 via a designated agent, with the lieutenant governor between July 1 of the year before the
100 primary election will be held and 5 p.m. on October 15 of the year before the primary election
101 will be held;

102 (b) identify the registered political party whose nomination the candidate is seeking;

103 (c) provide a letter from the registered political party certifying that the candidate may
104 participate as a candidate for that party in that party's presidential primary election; and

105 (d) pay the filing fee of \$500.

106 (2) The lieutenant governor shall develop a declaration of candidacy form for
107 presidential candidates participating in the primary.

108 (3) An agent designated to file a declaration of candidacy may not sign the form
109 described in Subsection (2).

110 (4) If the Legislature makes the declaration described in Subsection [20A-9-802\(1\)\(b\)](#),
111 the lieutenant governor shall change the dates and times described in Subsection (1)(a), as
112 necessary, in order to comply with the requirements of Subsection [20A-9-802\(1\)\(b\)](#).

113 Section 4. Section **20A-9-805** is amended to read:

114 **20A-9-805. Closed primary -- Determining party affiliation -- Changing party**
115 **affiliation.**

116 (1) If a registered political party has restricted voting for its presidential candidates as
117 authorized by Subsection [20A-9-802\[\(3\)\]\(6\)\(b\)](#), the lieutenant governor shall direct the county
118 clerks and other election officials to allow only those voters meeting the registered political

119 party's criteria to vote for that party's presidential candidates.

120 (2) (a) For each person who registers to vote on or after May 3, 1999, the county clerk
121 shall:

122 (i) record the party affiliation designated by the voter on the voter registration form as
123 the voter's party affiliation; or

124 (ii) if no political party affiliation is designated by the voter on the voter registration
125 form, record the voter's party affiliation as "unaffiliated."

126 (b) Any registered voter may designate or change the voter's political party affiliation
127 by complying with the procedures and requirements of Section [20A-2-107](#) or Section
128 [20A-9-808](#).

129 Section 5. Section [20A-9-806](#) is amended to read:

130 **[20A-9-806. Ballots.](#)**

131 (1) The lieutenant governor, together with county clerks, suppliers of election
132 materials, and representatives of registered political parties, shall, except to the extent that the
133 following action is not necessary due to the Legislature making the declaration described in
134 Subsection [20A-9-802\(1\)\(b\)](#):

135 (a) develop paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional
136 ballot envelopes to be used in Utah's Western States Presidential Primary;

137 (b) ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, and
138 provisional ballot envelopes comply generally with the requirements of Title 20A, Chapter 6,
139 Part 1, General Requirements for All Ballots; and

140 (c) provide voting booths, election records and supplies, and ballot boxes for each
141 voting precinct as required by Section [20A-5-403](#).

142 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
143 Chapter 6, Part 1, General Requirements for All Ballots, and Section [20A-5-403](#), the lieutenant
144 governor, together with county clerks, suppliers of election materials, and representatives of
145 registered political parties shall ensure that the paper ballots, ballot labels, ballot sheets,
146 electronic ballots, provisional ballot envelopes, and voting booths, election records and
147 supplies, and ballot boxes:

148 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

149 (ii) simplify the task of poll workers, particularly in determining a voter's party

150 affiliation;

151 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

152 (iv) protect against fraud.

153 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
154 county clerks, suppliers of election materials, and representatives of registered political parties
155 shall:

156 (i) mark, prepunch, or otherwise identify ballot sheets as being for a particular
157 registered political party; and

158 (ii) instruct persons counting the ballots to count only those votes for candidates from
159 the registered political party whose ballot the voter received.

160 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor,
161 county clerks, suppliers of election materials, and representatives of registered political parties
162 may:

163 (i) notwithstanding the requirements of Sections [20A-6-101](#) and [20A-6-102](#), use
164 different colored ballot sheets for each registered political party;

165 (ii) place ballot labels or ballots for each registered political party in different voting
166 booths and direct voters to the particular voting booth for the political party whose ballot they
167 are voting; or

168 (iii) consider other means of accomplishing the objectives outlined in Subsection
169 (2)(a).