

**WESTERN STATES PRESIDENTIAL PRIMARY**

**AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon Cox**

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

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**LONG TITLE**

**General Description:**

This bill provides that a Western States Presidential Primary election will be held in 2016 and that certain voters will be able to vote via the Internet as part of that primary.

**Highlighted Provisions:**

This bill:

- ▶ provides that a Western States Presidential Primary election will be held in 2016;
- ▶ modifies dates in relation to a Western States Presidential Primary election; and
- ▶ provides that, during the 2016 Western States Presidential Primary election, certain voters, including military voters and voters with a disability, will be permitted to vote via the Internet.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320

**20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

**20A-6-103**, as last amended by Laws of Utah 2014, Chapter 206



28           **20A-9-802**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2  
29           **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

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

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

33           **20A-1-201.5. Primary election dates.**

34           (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
35 of June of each even numbered year as provided in Section **20A-9-403**, to nominate persons for  
36 national, state, school board, and county offices.

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

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

44           Section 2. Section **20A-4-306** is amended to read:

45           **20A-4-306. Statewide canvass.**

46           (1) (a) The state board of canvassers shall convene:

47           (i) on the fourth Monday of November, at noon; or

48           (ii) at noon on the day following the receipt by the lieutenant governor of the last of the  
49 returns of a statewide special election.

50           (b) The state auditor, the state treasurer, and the attorney general are the state board of  
51 canvassers.

52           (c) Attendance of all members of the state board of canvassers shall be required to  
53 constitute a quorum for conducting the canvass.

54           (2) (a) The state board of canvassers shall:

55           (i) meet in the lieutenant governor's office; and

56           (ii) compute and determine the vote for officers and for and against any ballot  
57 propositions voted upon by the voters of the entire state or of two or more counties.

58           (b) The lieutenant governor, as secretary of the board shall file a report in his office

59 that details:

60 (i) for each statewide officer and ballot proposition:

61 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

62 (B) the candidates for each statewide office whose names appeared on the ballot, plus

63 any recorded write-in candidates;

64 (C) the number of votes from each county cast for each candidate and for and against

65 each ballot proposition;

66 (D) the total number of votes cast statewide for each candidate and for and against each

67 ballot proposition; and

68 (E) the total number of votes cast statewide; and

69 (ii) for each officer or ballot proposition voted on in two or more counties:

70 (A) the name of each of those offices and ballot propositions that appeared on the

71 ballot;

72 (B) the candidates for those offices, plus any recorded write-in candidates;

73 (C) the number of votes from each county cast for each candidate and for and against

74 each ballot proposition; and

75 (D) the total number of votes cast for each candidate and for and against each ballot

76 proposition.

77 (c) The lieutenant governor shall:

78 (i) prepare certificates of election for:

79 (A) each successful candidate; and

80 (B) each of the presidential electors of the candidate for president who received a

81 majority of the votes;

82 (ii) authenticate each certificate with his seal; and

83 (iii) deliver a certificate of election to:

84 (A) each candidate who had the highest number of votes for each office; and

85 (B) each of the presidential electors of the candidate for president who received a

86 majority of the votes.

87 (3) If the lieutenant governor has not received election returns from all counties on the

88 fifth day before the day designated for the meeting of the state board of canvassers, the

89 lieutenant governor shall:

90 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
91 county;

92 (b) instruct the messenger to demand a certified copy of the board of canvasser's report  
93 required by Section 20A-4-304 from the clerk; and

94 (c) pay the messenger the per diem provided by law as compensation.

95 (4) The state board of canvassers may not withhold the declaration of the result or any  
96 certificate of election because of any defect or informality in the returns of any election if the  
97 board can determine from the returns, with reasonable certainty, what office is intended and  
98 who is elected to it.

99 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant  
100 governor shall:

101 (i) canvass the returns for all multicounty candidates required to file with the office of  
102 the lieutenant governor; and

103 (ii) publish and file the results of the canvass in the lieutenant governor's office.

104 (b) Not later than the August 1 after the primary election, the lieutenant governor shall  
105 certify the results of:

106 (i) the primary canvass, except for the office of President of the United States, to the  
107 county clerks; and

108 (ii) the primary canvass for the office of President of the United States to each  
109 registered political party that participated in the primary.

110 (6) (a) At noon on the day that falls seven days after the last day on which a county  
111 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary  
112 election, the lieutenant governor shall:

113 (i) canvass the returns; and

114 (ii) publish and file the results of the canvass in the lieutenant governor's office.

115 (b) The lieutenant governor shall certify the results of the Western States Presidential  
116 Primary canvass to each registered political party that participated in the primary not later than  
117 the April [~~15~~] 30 after the primary election.

118 Section 3. Section 20A-6-103 is amended to read:

119 **20A-6-103. Internet voting pilot project.**

120 (1) Notwithstanding any provision of this title to the contrary, a county may allow a

121 covered voter, as defined in Section [20A-16-102](#), or a voter with a disability, as defined in 42  
 122 U.S.C. 12102(1), to register to vote, and vote electronically.

123 (2) For the 2016 Western States Presidential Primary election only, a county  
 123a clerk ~~H~~→ ~~[shall]~~ **may** ←~~H~~  
 124 provide voting via the Internet, by a voter described in Subsection (1), that electronically  
 125 tabulates and submits the voter's votes to the applicable election officer.

126 Section 4. Section **20A-9-802** is amended to read:

127 **20A-9-802. Western States Presidential Primary established -- Other ballot items**  
 128 **prohibited.**

129 (1) (a) (i) Contingent upon legislative appropriation, there is established a Western  
 130 States Presidential Primary election to be held on the [~~first Tuesday in February~~] fourth  
 131 Tuesday in March in the year in which a presidential election will be held.

132 (ii) A political party may participate in a regular primary election for the office of  
 133 President of the United States only if there is no Western States Presidential Primary election in  
 134 that year.

135 (iii) A Western States Presidential Primary election will be held on March 22, 2016.

136 (b) Except as otherwise specifically provided in this chapter, county clerks shall  
 137 administer the Western States Presidential Primary election according to the provisions of Title  
 138 20A, Election Code, including:

139 (i) Title 20A, Chapter 1, General Provisions;

140 (ii) Title 20A, Chapter 2, Voter Registration;

141 (iii) Title 20A, Chapter 3, Voting;

142 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

143 (v) Title 20A, Chapter 5, Election Administration; and

144 (vi) Title 20A, Chapter 6, Ballot Form.

145 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western  
 146 States Presidential Primary election contains only the names of candidates for President of the  
 147 United States who have qualified as provided in this part.

148 (ii) The county clerks may not present any other items to the voters to be voted upon at  
 149 this election.

150 (2) Registered political parties, and candidates for President of the United States who  
 151 are affiliated with a registered political party, may participate in the Western States Presidential

152 Primary election established by this part.

153 (3) As a condition for using the state's election system, each registered political party  
154 wishing to participate in Utah's Western States Presidential Primary election shall:

155 (a) declare their intent to participate in the Western States Presidential Primary  
156 election;

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

160 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June  
161 30 of the year before the year in which the presidential primary will be held.

162 Section 5. Section **63I-2-220** is amended to read:

163 **63I-2-220. Repeal dates, Title 20A.**

164 (1) Section **20A-3-704** is repealed January 1, 2016.

165 (2) Section **20A-5-410** is repealed January 1, 2016.

166 (3) Subsection **20A-6-103(2)** is repealed January 1, 2017.

167 [~~3~~] (4) (a) Subsection **20A-7-101(1)(a)(i)**, the language that states "of the first class"  
168 and "; or" is repealed January 1, 2015.

169 (b) Subsection **20A-7-101(1)(a)(ii)**, the language that states "for a county not described  
170 in Subsection (1)(a)(i), a person designated as budget officer in Section **17-19-19**" is repealed  
171 January 1, 2015.

172 [~~4~~] (5) Section **20A-9-403.1** is repealed on January 1, 2015.

**Legislative Review Note**  
as of 2-12-15 8:05 AM

**Office of Legislative Research and General Counsel**