

SB0242S01 compared with SB0242

~~{deleted text}~~ shows text that was in SB0242 but was deleted in SB0242S01.

Inserted text shows text that was not in SB0242 but was inserted into SB0242S01.

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Senator Curtis S. Bramble proposes the following substitute bill:

PRESIDENTIAL PRIMARY AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to a presidential primary election.

Highlighted Provisions:

This bill:

- ▶ requires a presidential primary election to be held;
- ▶ amends the date on which a presidential primary election is held;
- ▶ amends deadlines associated with a presidential primary election;
- ▶ eliminates provisions that allow a presidential primary election to be held on the date of a regular primary election; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 11-14-203**, as last amended by Laws of Utah 2013, Chapter 415
- 20A-1-102**, as last amended by Laws of Utah 2018, Chapters 187 and 274
- 20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352
- 20A-1-204**, as last amended by Laws of Utah 2015, Chapters 111 and 352
- 20A-2-101**, as last amended by Laws of Utah 2018, Chapter 223
- 20A-2-107**, as last amended by Laws of Utah 2015, Chapter 394
- 20A-2-107.5**, as last amended by Laws of Utah 2008, Chapter 329
- 20A-3-101**, as last amended by Laws of Utah 2017, Chapter 181
- 20A-3-101.5**, as enacted by Laws of Utah 2018, Chapter 223
- 20A-3-104.5**, as last amended by Laws of Utah 2011, Chapter 335
- 20A-3-202**, as last amended by Laws of Utah 2018, Chapters 195 and 274
- 20A-3-304**, as last amended by Laws of Utah 2018, Chapter 206
- 20A-4-304**, as last amended by Laws of Utah 2018, Chapter 187
- 20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 20A-5-102**, as last amended by Laws of Utah 2003, Chapter 116
- 20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45
- 20A-5-601**, as last amended by Laws of Utah 2014, Chapters 31 and 391
- 20A-9-201**, as last amended by Laws of Utah 2018, Chapter 11
- 20A-9-202.5**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 20A-9-403**, as last amended by Laws of Utah 2018, Chapter 80
- 20A-9-801**, as enacted by Laws of Utah 1999, Chapter 22
- 20A-9-802**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 20A-9-803**, as last amended by Laws of Utah 2013, Chapter 317
- 20A-9-805**, as enacted by Laws of Utah 1999, Chapter 22
- 20A-9-806**, as last amended by Laws of Utah 2006, Chapter 326
- 20A-9-807**, as enacted by Laws of Utah 1999, Chapter 22
- 20A-9-808**, as repealed and reenacted by Laws of Utah 2008, Chapter 329

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20A-9-809, as last amended by Laws of Utah 2008, Chapter 329

RENUMBERS AND AMENDS:

20A-9-802.5, (Renumbered from 20A-9-810, as enacted by Laws of Utah 2017, Chapter 250)

REPEALS:

20A-9-804, as last amended by Laws of Utah 2008, Chapter 329

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

Section 1. Section **11-14-203** is amended to read:

11-14-203. Time for election -- Equipment -- Election officials -- Combining precincts.

(1) (a) The local political subdivision shall ensure that bond elections are conducted and administered according to the procedures set forth in this chapter and the sections of the Election Code specifically referenced by this chapter.

(b) When a local political subdivision complies with those procedures, there is a presumption that the bond election was properly administered.

(2) (a) A bond election may be held, and the proposition for the issuance of bonds may be submitted, on the same date as the regular general election, the municipal general election held in the local political subdivision calling the bond election, or at a special election called for the purpose on a date authorized by Section 20A-1-204.

(b) A bond election may not be held, nor a proposition for issuance of bonds be submitted, at the [~~Western States Presidential Primary election established in Title 20A, Chapter 9, Part 8, Western States Presidential Primary~~] presidential primary election held under Title 20A, Chapter 9, Part 8, Presidential Primary Election.

(3) (a) The bond election shall be conducted and administered by the election officer designated in Sections 20A-1-102 and 20A-5-400.5.

(b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part 4, Election Officer's Duties.

(ii) The publishing requirement under Subsection 20A-5-405(1)(j)(iii) does not apply when notice of a bond election has been provided according to the requirements of Section 11-14-202.

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(c) The hours during which the polls are to be open shall be consistent with Section 20A-1-302.

(d) The appointment and duties of election judges shall be governed by Title 20A, Chapter 5, Part 6, Poll Workers.

(e) General voting procedures shall be conducted according to the requirements of Title 20A, Chapter 3, Voting.

(f) The designation of election crimes and offenses, and the requirements for the prosecution and adjudication of those crimes and offenses are set forth in Title 20A, Election Code.

(4) When a bond election is being held on a day when no other election is being held in the local political subdivision calling the bond election, voting precincts may be combined for purposes of bond elections so long as no voter is required to vote outside the county in which the voter resides.

(5) When a bond election is being held on the same day as any other election held in a local political subdivision calling the bond election, or in some part of that local political subdivision, the polling places and election officials serving for the other election may also serve as the polling places and election officials for the bond election, so long as no voter is required to vote outside the county in which the voter resides.

Section 2. Section **20A-1-102** is amended to read:

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

(3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.

(b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.

(4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

(a) contain the names of offices and candidates and statements of ballot propositions to

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be voted on; and

(b) are used in conjunction with ballot sheets that do not display that information.

(5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(6) "Ballot sheet":

(a) means a ballot that:

(i) consists of paper or a card where the voter's votes are marked or recorded; and

(ii) can be counted using automatic tabulating equipment; and

(b) includes punch card ballots and other ballots that are machine-countable.

(7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

(8) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(9) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(10) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

(11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(12) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(13) "Canvass" means the review of election returns and the official declaration of

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election results by the board of canvassers.

(14) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(16) "Convention" means the political party convention at which party officers and delegates are selected.

(17) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(18) "Counting judge" means a poll worker designated to count the ballots during election day.

(19) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the poll workers and counting judges to count ballots during election day.

(20) "County officers" means those county officers that are required by law to be elected.

(21) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

(b) does not include:

(i) deadlines established for absentee voting; or

(ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early Voting.

(22) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

(23) "Election" means a regular general election, a municipal general election, a

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statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(24) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(25) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(26) "Election judge" means a poll worker that is assigned to:

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(27) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (c) the municipal clerk for:
 - (i) a municipal ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (d) the local district clerk or chief executive officer for:
 - (i) a local district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- (e) the business administrator or superintendent of a school district for:
 - (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

(28) "Election official" means any election officer, election judge, or poll worker.

(29) "Election results" means:

- (a) for an election other than a bond election, the count of votes cast in the election and

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the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(30) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.

(32) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(33) (a) "Electronic voting device" means a voting device that uses electronic ballots.

(b) "Electronic voting device" includes a direct recording electronic voting device.

(34) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

(35) "Judicial office" means the office filled by any judicial officer.

(36) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(37) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

(38) "Local district officers" means those local district board members that are required by law to be elected.

(39) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.

(40) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

(41) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may

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vote.

(42) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or

(c) the chair of a metro township form of government defined in Section 10-3b-102.

(43) "Municipal general election" means the election held in municipalities and, as applicable, local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(44) "Municipal legislative body" means:

(a) the council of the city or town in any form of municipal government; or

(b) the council of a metro township.

(45) "Municipal office" means an elective office in a municipality.

(46) "Municipal officers" means those municipal officers that are required by law to be elected.

(47) "Municipal primary election" means an election held to nominate candidates for municipal office.

(48) "Municipality" means a city, town, or metro township.

(49) "Official ballot" means the ballots distributed by the election officer to the poll workers to be given to voters to record their votes.

(50) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) (A) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

(B) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii); and

(b) the information on the ballot stub that identifies:

(i) the poll worker's initials; and

(ii) the ballot number.

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(51) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(52) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record the voter's vote for each office and for or against each ballot proposition.

(53) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

(54) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

(55) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(56) "Polling place" means the building where voting is conducted.

(57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(58) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

~~(58)~~ (59) "Primary convention" means the political party conventions held during the year of the regular general election.

~~(59)~~ (60) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

~~(60)~~ (61) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

~~(61)~~ (62) "Provisional ballot" means a ballot voted provisionally by a person:

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- (a) whose name is not listed on the official register at the polling place;
- (b) whose legal right to vote is challenged as provided in this title; or
- (c) whose identity was not sufficiently established by a poll worker.

~~[(62)]~~ (63) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

~~[(63)]~~ (64) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

~~[(64)]~~ (65) "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

~~[(65)]~~ (66) "Registration form" means a book voter registration form and a by-mail voter registration form.

~~[(66)]~~ (67) "Regular ballot" means a ballot that is not a provisional ballot.

~~[(67)]~~ (68) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

~~[(68)]~~ (69) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

~~[(69)]~~ (70) "Resident" means a person who resides within a specific voting precinct in Utah.

~~[(70)]~~ (71) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

~~[(71)]~~ (72) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties or who are unaffiliated.

~~[(72)]~~ (73) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote.

~~[(73)]~~ (74) "Special election" means an election held as authorized by Section

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20A-1-203.

~~[(74)]~~ (75) "Spoiled ballot" means each ballot that:

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

~~[(75)]~~ (76) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

~~[(76)]~~ (77) "Stub" means the detachable part of each ballot.

~~[(77)]~~ (78) "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.

~~[(78)]~~ (79) "Ticket" means a list of:

- (a) political parties;
- (b) candidates for an office; or
- (c) ballot propositions.

~~[(79)]~~ (80) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(80)]~~ (81) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

~~[(81)]~~ (82) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

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(i) a valid tribal identification card;
(ii) a Bureau of Indian Affairs card; or
(iii) a tribal treaty card; or
(c) two forms of identification not listed under Subsection [~~(81)~~] (82)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

(ii) a bank or other financial account statement, or a legible copy thereof;

(iii) a certified birth certificate;

(iv) a valid social security card;

(v) a check issued by the state or the federal government or a legible copy thereof;

(vi) a paycheck from the voter's employer, or a legible copy thereof;

(vii) a currently valid Utah hunting or fishing license;

(viii) certified naturalization documentation;

(ix) a currently valid license issued by an authorized agency of the United States;

(x) a certified copy of court records showing the voter's adoption or name change;

(xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

(C) a college, university, technical school, or professional school located within the state; or

(xiii) a current Utah vehicle registration.

[~~(82)~~] (83) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

[~~(83)~~] (84) "Voter" means a person who:

(a) meets the requirements for voting in an election;

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

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~~[(84)]~~ (85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

~~[(85)]~~ (86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

~~[(86)]~~ (87) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or

(b) a voting device that is free standing.

~~[(87)]~~ (88) "Voting device" means:

(a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance;

(c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;

(d) an automated voting system under Section 20A-5-302; or

(e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

~~[(88)]~~ (89) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

~~[(89)]~~ (90) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

~~[(90)]~~ (91) "Watcher" means an individual who complies with the requirements described in Section 20A-3-201 to become a watcher for an election.

~~[(91)]~~ "~~Western States Presidential Primary~~" means the election established in Chapter 9, Part 8, ~~Western States Presidential Primary~~.]

(92) "Write-in ballot" means a ballot containing any write-in votes.

(93) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section 3. Section **20A-1-201.5** is amended to read:

20A-1-201.5. Primary election dates.

(1) A regular primary election shall be held throughout the state on the fourth Tuesday

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of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for:

- (a) national, state, school board, and county offices; and
- (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

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

~~[(3) If the Legislature makes an appropriation for a Western States Presidential Primary election, the Western States Presidential Primary]~~

(3) A presidential primary election shall be held throughout the state on the first Tuesday in ~~[February]~~ March in the year in which a presidential election will be held.

Section 4. Section **20A-1-204** is amended to read:

20A-1-204. Date of special election -- Legal effect.

(1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:

- (i) the fourth Tuesday in June; or
- (ii) the first Tuesday after the first Monday in November.

(b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.

(c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:

(A) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than the ones authorized in statute;

(B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102, and the reasons for holding the special election on that other date; and

(C) votes unanimously to hold the special election on that other date.

(ii) The legislative body of a local political subdivision may not ~~[call]~~ hold a local special election ~~[for the date established in Chapter 9, Part 8, Western States Presidential~~

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~~Primary, for Utah's Western States Presidential Primary]~~ on the same date as the presidential primary election conducted under Chapter 9, Part 8, Presidential Primary Election.

(d) The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

(e) Nothing in this section prohibits:

(i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or

(ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law.

(2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day as:

(i) another special election;

(ii) a regular general election; or

(iii) a municipal general election.

(b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

(i) polling places;

(ii) ballots;

(iii) election officials; and

(iv) other administrative and procedural matters connected with the election.

Section 5. Section **20A-2-101** is amended to read:

20A-2-101. Eligibility for registration.

(1) Except as provided in Subsection (2), an individual may register to vote in an election who:

(a) is a citizen of the United States;

(b) has been a resident of Utah for at least the 30 days immediately before the election;

(c) will be:

(i) at least 18 years of age on the day of the election; or

(ii) if the election is a regular primary election, a municipal primary election, or a

~~[Western States Presidential Primary]~~ presidential primary election:

(A) 17 years of age on or before the day of the regular primary election, municipal

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primary election, or [~~Western States Presidential Primary~~] presidential primary election; and

(B) 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or [~~Western States Presidential Primary~~] presidential primary election; and

(d) currently resides within the voting district or precinct in which the individual applies to register to vote.

(2) (a) (i) An individual who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the individual was a resident of that voting precinct before the confinement or incarceration.

(ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a resident of the voting precinct in which the individual resided before the confinement or incarceration.

(b) An individual who has been convicted of a felony or a misdemeanor for an offense under this title may not register to vote or remain registered to vote unless the individual's right to vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(c) An individual whose right to vote has been restored, as provided in Section 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.

(3) An individual who is eligible to vote and who resides within the geographic boundaries of the entity in which the election is held may register to vote in a:

- (a) regular general election;
- (b) regular primary election;
- (c) municipal general election;
- (d) municipal primary election;
- (e) statewide special election;
- (f) local special election;
- (g) local district election;
- (h) bond election; and
- (i) [~~Western States Presidential Primary~~] presidential primary election.

Section 6. Section **20A-2-107** is amended to read:

20A-2-107. Designating or changing party affiliation -- Times permitted.

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(1) The county clerk shall:

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

(b) if no political party affiliation is designated by the voter on the voter registration form:

(i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the party that the voter designated the last time that the voter designated a party on a voter registration form, unless the voter more recently registered as "unaffiliated"; or

(ii) record the voter's party affiliation as "unaffiliated" if the voter:

(A) did not previously designate a party;

(B) most recently designated the voter's party affiliation as "unaffiliated"; or

(C) did not previously register.

(2) (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (2).

(b) A registered voter may designate or change the voter's political party affiliation by filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate, during any period except the following:

(i) the period beginning on the day after the voter registration deadline and continuing through the date of the regular primary election; and

(ii) the period beginning on the day after the voter registration deadline and continuing through the date of the [~~Western States Presidential Primary~~] presidential primary election.

Section 7. Section **20A-2-107.5** is amended to read:

20A-2-107.5. Designating or changing party affiliation -- Regular primary election and presidential primary election.

(1) At any regular primary election or [~~the Western States Presidential Primary~~] presidential primary election:

(a) each county clerk shall provide change of party affiliation forms to the poll workers for each voting precinct within the county; and

(b) any registered voter who is classified as "unaffiliated" may affiliate with a political party by completing the form and giving it to the poll worker.

(2) An unaffiliated voter who affiliates with a political party as provided in Subsection

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(1)(b) may vote in that party's primary election.

Section 8. Section **20A-3-101** is amended to read:

20A-3-101. Residency and age requirements of voters.

(1) [~~A person~~] An individual may vote in any regular general election or statewide special election if that [~~person~~] individual has registered to vote in accordance with [~~Title 20A,~~] Chapter 2, Voter Registration.

(2) [~~A person~~] An individual may vote in the [~~Western States Presidential Primary~~] presidential primary election or a regular primary election if:

(a) that [~~person~~] individual has registered to vote in accordance with [~~Title 20A,~~] Chapter 2, Voter Registration; and

(b) that [~~person's~~] individual's political party affiliation, or unaffiliated status, allows the person to vote in the election.

(3) [~~A person~~] An individual may vote in a municipal general election, municipal primary election, local special election, local district election, and bond election if that [~~person~~] individual:

(a) has registered to vote in accordance with [~~Title 20A,~~] Chapter 2, Voter Registration; and

(b) is a resident of a voting district or precinct within the local entity that is holding the election.

Section 9. Section **20A-3-101.5** is amended to read:

20A-3-101.5. Age requirements for primary elections -- 17-year-olds may vote.

An individual who is 17 years of age may vote in a regular primary election, a municipal primary election, or a [~~Western States Presidential Primary~~] presidential primary election, if:

(1) the individual will be 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or [~~Western States Presidential Primary~~] presidential primary election;

(2) the individual is registered to vote in accordance with Chapter 2, Voter Registration;

(3) the individual's political party affiliation, or unaffiliated status, allows the individual to vote in the election; and

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(4) the individual otherwise complies with the requirements to vote in the primary election.

Section 10. Section **20A-3-104.5** is amended to read:

20A-3-104.5. Voting -- Regular primary election and presidential primary election.

(1) (a) Any registered voter desiring to vote at the regular primary election or [~~Utah's Western States Presidential Primary~~] presidential primary election shall give the voter's name, the name of the registered political party whose ballot the voter wishes to vote, and, if requested, the voter's residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers.

(c) (i) The poll worker shall follow the procedures and requirements of Section 20A-3-105.5 if:

(A) the poll worker is not satisfied that the voter presented valid voter identification; or

(B) the voter's right to vote is challenged under Section 20A-3-202.

(ii) The poll worker shall notify a voter casting a provisional ballot under Section 20A-3-105.5 because of failure to present valid voter identification that the voter has until the close of normal office hours on Monday after the day of the election to:

(A) present valid voter identification to the county clerk at the county clerk's office; or

(B) an election officer who is administering the election.

(2) (a) (i) If the voter is properly identified, the poll worker in charge of the official register shall check the official register to determine:

(A) whether or not the person is registered to vote; and

(B) whether or not the voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requested.

(ii) If the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

(b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

(ii) (A) If it is not unduly disruptive of the election process, the poll worker shall

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attempt to contact the county clerk's office to request oral verification of the voter's registration.

(B) If oral verification is received from the county clerk's office, the poll worker shall:

(I) record the verification on the official register;

(II) determine the voter's party affiliation and the ballot that the voter is qualified to vote; and

(III) perform the other administrative steps required by Subsection (3).

(c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

(ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."

(B) If the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3).

(C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.

(3) If the poll worker determines that the voter is registered and eligible, under Subsection (2), to vote the ballot that the voter requested and:

(a) if the ballot is a paper ballot or a ballot sheet:

(i) the poll worker in charge of the official register shall:

(A) write the ballot number and the name of the registered political party whose ballot the voter voted opposite the name of the voter in the official register; and

(B) direct the voter to sign the voter's name in the election column in the official register;

(ii) another poll worker shall list the ballot number and voter's name in the pollbook;

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and

(iii) the poll worker having charge of the ballots shall:

(A) endorse the voter's initials on the stub;

(B) check the name of the voter on the pollbook list with the number of the stub;

(C) hand the voter the ballot for the registered political party that the voter requested

and for which the voter is authorized to vote; and

(D) allow the voter to enter the voting booth; or

(b) if the ballot is an electronic ballot:

(i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;

(ii) another poll worker shall list the voter's name in the pollbook; and

(iii) the poll worker having charge of the ballots shall:

(A) provide the voter access to the electronic ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and

(B) allow the voter to vote the electronic ballot.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Section 11. Section **20A-3-202** is amended to read:

20A-3-202. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.

(1) A person may challenge an individual's eligibility to vote on any of the following grounds:

(a) the individual is not the individual in whose name the individual tries to vote;

(b) the individual is not a resident of Utah;

(c) the individual is not a citizen of the United States;

(d) the individual has not or will not have resided in Utah for 30 days immediately before the date of the election;

(e) the individual's principal place of residence is not in the voting precinct that the individual claims;

(f) the individual's principal place of residence is not in the geographic boundaries of the election area;

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- (g) the individual has already voted in the election;
- (h) the individual is not at least 18 years of age;
- (i) the individual has been convicted of a misdemeanor for an offense under this title

and the individual's right to vote in an election has not been restored under Section 20A-2-101.3;

(j) the individual is a convicted felon and the voter's right to vote in an election has not been restored under Section 20A-2-101.5; or

(k) in a regular primary election or [~~in the Western States Presidential Primary~~] presidential primary election, the individual does not meet the political party affiliation requirements for the ballot the individual seeks to vote.

(2) A person who challenges an individual's right to vote in an election shall make the challenge in accordance with:

(a) Section 20A-3-202.3, for a challenge that is not made in person at the time an individual votes; or

(b) Section 20A-3-202.5, for challenges made in person at the time an individual votes.

Section 12. Section **20A-3-304** is amended to read:

20A-3-304. Application for absentee ballot -- Time for filing and voting.

(1) (a) A registered voter who wishes to vote an absentee ballot may file an absentee ballot application:

(i) on the electronic system maintained by the lieutenant governor under Section 20A-2-206;

(ii) with the appropriate election officer for an official absentee ballot as provided in this section; or

(iii) by answering "yes" to the question described in Subsection 20A-2-108(2)(a) when registering to vote while filing a driver license or state identification card application.

(b) An absentee voter may vote in person at the office of the appropriate election officer as provided in Section 20A-3-306.

(c) A person that collects a completed absentee ballot application from a registered voter shall file the completed absentee ballot application with the appropriate election official before the earlier of:

- (i) 14 days after the day on which the registered voter signed the absentee ballot form;

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or

(ii) the Tuesday before the next election.

(2) As it relates to an absentee ballot application to be filled out entirely by the voter:

(a) except as provided in Subsection (2)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications:

(i) in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply for an official absentee ballot to be voted by me at the election.

Date _____ (month\day\year) Signed _____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for [~~the Western States Presidential Primary~~] presidential primary elections:

(i) in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply for an official absentee ballot for the _____ political party to be voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request.

Dated _____ (month\day\year) _____ Signed _____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form.

(3) If requested by the applicant, the election officer shall:

(a) mail or fax the application form to the absentee voter; or

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(b) deliver the application form to any voter who personally applies for it at the office of the election officer.

(4) As it relates to an absentee ballot application to be filled out for, and finished and signed by, a voter:

(a) except as provided in Subsection (4)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications:

(i) in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply for an official absentee ballot to be voted by me at the election.

I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Tuesday before the next election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Date _____ (month\day\year) Signed _____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for [~~the Western States Presidential Primary~~] presidential primary elections:

(i) in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply for an official absentee ballot for the _____ political party to be voted by me

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at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request. I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Tuesday before the next primary election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Dated _____ (month\day\year) _____ Signed _____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form.

(5) The forms described in Subsections (2) and (4) shall contain instructions on how a voter may cancel an absentee ballot application.

(6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the lieutenant governor or appropriate election officer no later than the Tuesday before election day.

(7) (a) A county clerk shall establish an absentee voter list containing the name of each voter who:

(i) requests absentee voter status; and

(ii) meets the requirements of this section.

(b) A county clerk may not remove a voter's name from the list described in Subsection (7)(a) unless:

(i) the voter is no longer listed in the official register;

(ii) the voter cancels the voter's absentee status;

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(iii) the voter's name is removed on the date specified by the voter on the absentee ballot application form; or

(iv) the county clerk is required to remove the voter's name from the list under Subsection (7)(c) or 20A-3-302(8)(c)(ii).

(c) A county clerk shall remove a voter's name from the list described in Subsection (7)(a) if the voter fails to vote in two consecutive regular general elections.

(d) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on the absentee voter list.

(ii) The questionnaire shall allow the voter to:

(A) verify the voter's residence; or

(B) cancel the voter's absentee status.

(e) The clerk shall provide a copy of the absentee voter list to election officers for use in elections.

Section 13. Section **20A-4-304** is amended to read:

20A-4-304. Declaration of results -- Canvassers' report.

(1) Each board of canvassers shall:

(a) except as provided in [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project, declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to

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the lieutenant governor; and

(d) if applicable, certify the results of each local district election to the local district clerk.

(2) (a) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:

(i) the total number of votes cast in the board's jurisdiction;

(ii) the names of each candidate whose name appeared on the ballot;

(iii) the title of each ballot proposition that appeared on the ballot;

(iv) each office that appeared on the ballot;

(v) from each voting precinct:

(A) the number of votes for each candidate;

(B) for each race conducted by instant runoff voting under [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each canvassing phase; and

(C) the number of votes for and against each ballot proposition;

(vi) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;

(vii) the number of ballots that were rejected; and

(viii) a statement certifying that the information contained in the report is accurate.

(b) The election officer and the board of canvassers shall:

(i) review the report to ensure that it is correct; and

(ii) sign the report.

(c) The election officer shall:

(i) record or file the certified report in a book kept for that purpose;

(ii) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;

(iii) publish a copy of the certified report:

(A) in one or more conspicuous places within the jurisdiction;

(B) in a conspicuous place on the county's website; and

(C) in a newspaper with general circulation in the board's jurisdiction; and

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(iv) file a copy of the certified report with the lieutenant governor.

(3) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit it by registered mail to the lieutenant governor.

(4) In each county election, municipal election, school election, local district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(5) [~~In regular primary elections and in the Western States Presidential Primary,~~] In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor ~~;~~

~~—~~ } (i) ~~]~~ not later than the second Tuesday after the ~~[~~primary~~]~~ election ~~[~~for the regular primary election~~]~~; and

~~]~~ (ii) ~~]~~ not later than the Tuesday following the ~~{}~~election for the Western States Presidential Primary ~~{}~~ presidential primary election; ~~]~~ and ~~]~~

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section 14. Section **20A-4-306** is amended to read:

20A-4-306. Statewide canvass.

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

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

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

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

(c) Attendance of all members of the state board of canvassers shall be required to

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constitute a quorum for conducting the canvass.

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

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

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

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

(i) for each statewide officer and ballot proposition:

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

(B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition;

(D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and

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

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

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

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

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and

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

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes;

(ii) authenticate each certificate with his seal; and

(iii) deliver a certificate of election to:

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

(B) each of the presidential electors of the candidate for president who received a majority of the votes.

(3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:

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

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

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

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

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

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

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

(b) Not later than the August 1 after the primary election, the lieutenant governor shall certify the results of ~~[(i)] the primary canvass~~ ~~[, except for the office of President of the United States,]~~ to the county clerks ~~[; and]~~.

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

(6) (a) At noon on the ~~[day that falls seven days after the last day on which a county canvass may occur under Section 20A-4-301 for the Western States Presidential Primary election,]~~ fourth Tuesday in March of a year in which a presidential election will be held, the lieutenant governor shall:

(i) canvass the returns of the presidential primary election; and

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

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

Section 15. Section **20A-5-102** is amended to read:

20A-5-102. Voting instructions.

(1) Each election officer shall:

(a) print instruction cards for voters;

(b) ensure that the cards are printed in English in large clear type; and

(c) ensure that the cards instruct voters:

(i) about how to obtain ballots for voting;

(ii) about special political party affiliation requirements for voting in [~~the Western States Presidential Primary or in~~] a regular primary election or presidential primary election;

(iii) about how to prepare ballots for deposit in the ballot box;

(iv) about how to record write-in votes;

(v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

(vi) about how to obtain assistance in marking ballots;

(vii) about obtaining a new ballot if the voter's ballot is defaced;

(viii) that identification marks or the spoiling or defacing of a ballot will make it invalid;

(ix) about how to obtain and vote a provisional ballot;

(x) about whom to contact to report election fraud;

(xi) about applicable federal and state laws regarding:

(A) voting rights and the appropriate official to contact if the voter alleges his rights have been violated; and

(B) prohibitions on acts of fraud and misrepresentation;

(xii) about procedures governing mail-in registrants and first-time voters; and

(xiii) about the date of the election and the hours that the polls are open on election day.

(2) Each election officer shall:

(a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;

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(b) direct the election judges to post:

(i) general voting instructions in each voting booth; and

(ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

Section 16. Section **20A-5-401** is amended to read:

20A-5-401. Official register -- Preparation -- Contents.

(1) (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or [~~Western States Presidential Primary~~] presidential primary election, each county clerk shall prepare an official register of voters for each voting precinct that will participate in the election.

(b) The county clerk shall ensure that the official register is prepared for the alphabetical entry of names and contains entry fields to provide for the following information:

(i) registered voter's name;

(ii) party affiliation;

(iii) grounds for challenge;

(iv) name of person challenging a voter;

(v) primary, November, special;

(vi) date of birth;

(vii) place of birth;

(viii) place of current residence;

(ix) street address;

(x) zip code;

(xi) identification and provisional ballot information as required under Subsection (1)(d); and

(xii) space for the voter to sign his name for each election.

(c) When preparing the official register for the [~~Western States Presidential Primary~~] presidential primary election, the county clerk shall include:

(i) an entry field to record the name of the political party whose ballot the voter voted;

and

(ii) an entry field for the poll worker to record changes in the voter's party affiliation.

(d) When preparing the official register for any regular general election, municipal

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general election, statewide special election, local special election, regular primary election, municipal primary election, local district election, or election for federal office, the county clerk shall include:

(i) an entry field for the poll worker to record the type of identification provided by the voter;

(ii) a column for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and

(iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

(2) (a) (i) For regular and municipal elections, primary elections, regular municipal elections, local district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, local district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county clerk, with the assistance of the clerk of each affected local district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of local district officers.

(b) Municipalities shall pay the costs of making the official register for municipal elections.

Section 17. Section **20A-5-601** is amended to read:

20A-5-601. Poll workers -- Appointment for regular general elections, primary elections, and special 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 individuals in the county who are willing to serve as poll workers, who

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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 individuals to serve as poll workers at the regular primary election, the regular general election, the [~~Western States Presidential Primary~~] presidential primary election, and a statewide or countywide special election.

(3) For regular general elections and statewide or countywide special elections, each county legislative body shall provide for the appointment of:

(a) (i) three registered voters, or 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 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 each precinct in which ballots are counted after the polls close[;] in a regular primary election [~~and for the Western States Presidential Primary~~] or presidential primary election, each county 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 is 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~~] or 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:

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- (i) each of whom is a registered voter; or
- (ii) (A) the first of whom is a registered voter and is 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
(c) two or three registered voters, or one or two registered voters and one individual 17 years of age who will be 18 years 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.
- (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, or a statewide or countywide special 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 individual 17 years of age who will be 18 years 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.
- (7) (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, the [~~Western States Presidential Primary~~] presidential primary election, or a statewide or countywide special 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

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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~~] the 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.

(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~~] 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~~] 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.

(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.

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

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of the county.

(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.

(12) If an individual serves as a poll worker outside the voting precinct where the individual is registered, that individual may vote an absentee voter ballot.

(13) The county clerk shall fill all poll worker vacancies.

(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.

(15) The county legislative body shall establish compensation for poll workers.

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

Section 18. Section **20A-9-201** is amended to read:

20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.

(1) Before filing a declaration of candidacy for election to any office, an individual shall:

- (a) be a United States citizen;
- (b) meet the legal requirements of that office; and
- (c) if seeking a registered political party's nomination as a candidate for elective office,

state:

- (i) the registered political party of which the individual is a member; or
- (ii) that the individual is not a member of a registered political party.

(2) (a) Except as provided in Subsection (2)(b), an individual may not:

(i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;

(ii) appear on the ballot as the candidate of more than one political party; or

(iii) file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits

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otherwise in the registered political party's bylaws.

(b) (i) An individual may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the individual resigns the individual's candidacy for the other office after the individual is officially nominated for president or vice president of the United States.

(ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.

(iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

(3) (a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:

(i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking; and

(ii) require the individual to state whether the individual meets those requirements.

(b) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the individual filing that declaration of candidacy is:

(i) a United States citizen;

(ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;

(iii) a registered voter in the county in which the individual is seeking office; and

(iv) a current resident of the county in which the individual is seeking office and either has been a resident of that county for at least one year or was appointed and is currently serving as county attorney and became a resident of the county within 30 days after appointment to the office.

(c) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the individual filing that declaration of candidacy is:

(i) a United States citizen;

(ii) an attorney licensed to practice law in the state who is an active member in good

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standing of the Utah State Bar;

(iii) a registered voter in the prosecution district in which the individual is seeking office; and

(iv) a current resident of the prosecution district in which the individual is seeking office and either will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.

(d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the individual filing the declaration:

(i) is a United States citizen;

(ii) is a registered voter in the county in which the individual seeks office;

(iii) (A) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or

(B) has met the waiver requirements in Section 53-6-206;

(iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and

(v) as of the date of the election, will have been a resident of the county in which the individual seeks office for at least one year.

(e) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure:

(i) that the individual filing the declaration of candidacy also files the financial disclosure required by Section 20A-11-1603; and

(ii) if the filing officer is not the lieutenant governor, that the individual provides the financial disclosure to the lieutenant governor in accordance with Section 20A-11-1603.

(4) If an individual who files a declaration of candidacy does not meet the qualification requirements for the office the individual is seeking, the filing officer may not accept the individual's declaration of candidacy.

(5) If an individual who files a declaration of candidacy meets the requirements

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described in Subsection (3), the filing officer shall:

(a) inform the individual that:

(i) the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;

(ii) the individual may be required to comply with state or local campaign finance disclosure laws; and

(iii) the individual is required to file a financial statement before the individual's political convention under:

(A) Section 20A-11-204 for a candidate for constitutional office;

(B) Section 20A-11-303 for a candidate for the Legislature; or

(C) local campaign finance disclosure laws, if applicable;

(b) except for a presidential candidate, provide the individual with a copy of the current campaign financial disclosure laws for the office the individual is seeking and inform the individual that failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;

(c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);

(d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(i) signing the pledge is voluntary; and

(ii) signed pledges shall be filed with the filing officer;

(e) accept the individual's declaration of candidacy; and

(f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.

(6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(a) accept the candidate's pledge; and

(b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a

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member.

(7) (a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:

(i) be substantially as follows:

"State of Utah, County of _____

I, _____, declare my candidacy for the office of _____, seeking the nomination of the _____ party. 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; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; 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. 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)."; and

(ii) require the candidate to state, in the sworn statement described in Subsection

(7)(a)(i):

(A) the registered political party of which the candidate is a member; or

(B) that the candidate is not a member of a registered political party.

(b) An agent designated under Subsection 20A-9-202(1)(b) to file a declaration of candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

(8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:

(i) \$50 for candidates for the local school district board; and

(ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.

(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

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(i) who is disqualified; or

(ii) who the filing officer determines has filed improperly.

(c) (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.

(ii) The lieutenant governor shall:

(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and

(B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.

(d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.

(ii) A person who is able to pay the filing fee may not claim impecuniosity.

(iii) (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

(B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).

(iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:

"Affidavit of Impecuniosity

Individual Name

_____ Address _____

Phone Number _____

I, _____ (name), do solemnly [swear] [affirm], under penalty of law for false statements, that, owing to my poverty, I am unable to pay the filing fee required by law.

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Date _____ Signature _____

Affiant

Subscribed and sworn to before me on _____ (month\day\year)

(signature)

Name and Title of Officer Authorized to Administer Oath _____ "

(v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a candidate who is found guilty of filing a false statement, in addition to being subject to criminal penalties, will be removed from the ballot."

(vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (8)(d) file a financial statement on a form prepared by the election official.

~~[(9)(a) If there is no legislative appropriation for the Western States Presidential Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall:]~~

~~[(i) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor:]~~

~~[(A) on a form developed and provided by the lieutenant governor; and]~~

~~[(B) on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular primary election;]~~

~~[(ii) identify the registered political party whose nomination the candidate is seeking;]~~

~~[(iii) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and]~~

~~[(iv) pay the filing fee of \$500.]~~

~~[(b) A designated agent described in Subsection (9)(a)(i) may not sign the form described in Subsection (9)(a)(i)(A).]~~

~~[(10)]~~ (9) An individual who fails to file a declaration of candidacy or certificate of

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nomination within the time provided in this chapter is ineligible for nomination to office.

~~[(11)]~~ (10) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

Section 19. Section **20A-9-202.5** is amended to read:

20A-9-202.5. Declaration of candidacy -- Presidential primary election.

(1) As used in this section:

(a) "Presidential candidate" means a person seeking nomination for President of the United States from a Utah registered political party.

(b) "Utah registered political party" means a political party that has complied with the requirements of ~~[Title 20A,]~~ Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

(2) Each presidential candidate, or the candidate's designated agent, shall file a declaration of candidacy with the lieutenant governor as provided in ~~[(a)]~~ Section 20A-9-803, for participation in the ~~[Western States Presidential Primary election; or]~~ presidential primary election.

~~[(b) Section 20A-9-201, for participation in the regular primary election.]~~

Section 20. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is designated as regular primary election day. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

(b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

(c) A filing officer may not permit an official ballot at a regular general election to be

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produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

(d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

(2) (a) Each registered political party, in a statement filed with the lieutenant governor, shall:

(i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and

(ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.

(b) (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.

(ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.

(3) (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a set of nomination petitions that was:

(i) circulated and completed in accordance with Section 20A-9-405; and

(ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.

(b) (i) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day

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in March.

(ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.

(c) (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.

(ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.

(d) The filing officer shall:

(i) verify signatures on nomination petitions in a transparent and orderly manner;

(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the first Monday after the third Saturday in April;

(iii) consider active and inactive voters eligible to sign nomination petitions;

(iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and

(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

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(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, _____(year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

Attest: county clerk."

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(5) (a) A candidate~~[, other than a presidential candidate,]~~ who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

- (i) nominated for that office by the candidate's registered political party; or
- (ii) for a nonpartisan local school board position, nominated for that office.

(b) If two or more candidates~~[, other than presidential candidates,]~~ are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.

(c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

(A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

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(8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

Section 21. Section **20A-9-801** is amended to read:

Part 8. Presidential Primary Election

20A-9-801. Definitions.

As used in this part, "registered political party" means a political party that has complied with the requirements of [~~Title 20A,~~] Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

Section 22. Section **20A-9-802** is amended to read:

20A-9-802. Presidential primary election established -- Other ballot items prohibited.

~~[(1)(a)(i) Contingent upon legislative appropriation, there is established a Western States Presidential Primary election to be held on the first Tuesday in February]~~

(1) (a) There is established a presidential primary election held on the first Tuesday in March in the year in which a presidential election will be held.

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

(b) Except as otherwise specifically provided in this chapter, county clerks shall administer the [~~Western States Presidential Primary~~] presidential primary election according to the provisions of [~~Title 20A, Election Code~~] this title, including:

- (i) [~~Title 20A,~~] Chapter 1, General Provisions;
- (ii) [~~Title 20A,~~] Chapter 2, Voter Registration;
- (iii) [~~Title 20A,~~] Chapter 3, Voting;
- (iv) [~~Title 20A,~~] Chapter 4, Election Returns and Election Contests;
- (v) [~~Title 20A,~~] Chapter 5, Election Administration; and
- (vi) [~~Title 20A,~~] Chapter 6, Ballot Form.

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

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

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

(3) As a condition for using the state's election system, each registered political party wishing to participate in [~~Utah's Western States Presidential Primary~~] the presidential primary election held under this section shall:

(a) declare [~~their~~] the political party's intent to participate in the [~~Western States Presidential Primary~~] presidential primary election;

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

(c) certify that information to the lieutenant governor no later than 5 p.m. on [~~the June 30~~] August 10 of the year before the year in which the presidential primary election will be held.

Section 23. Section **20A-9-802.5**, which is renumbered from Section 20A-9-810 is renumbered and amended to read:

~~[20A-9-810].~~ **20A-9-802.5. Presidential primary required.**

(1) A presidential primary election shall be held under this part each year in which a presidential election will be held.

(2) A registered political party that wishes to nominate a presidential candidate for the general election may participate in a presidential primary election conducted under this [~~section~~] part.

(3) The Legislature shall appropriate sufficient funds to administer each presidential primary election conducted under this [~~section~~] part.

Section 24. Section **20A-9-803** is amended to read:

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

(1) Candidates for president of the United States who are affiliated with a registered political party [~~in Utah~~] that has elected to participate in [~~Utah's Western States Presidential Primary~~] the presidential primary election and who wish to participate in the primary election

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shall:

(a) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor between ~~[July 1]~~ August 15 of the year before the primary election will be held and 5 p.m. on ~~[October 15]~~ December 1 of the year before the primary election will be held;

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

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

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

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

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

Section 25. Section **20A-9-805** is amended to read:

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

(1) If a registered political party has restricted voting for its presidential candidates as authorized by Subsection 20A-9-802(3)(b), the lieutenant governor shall direct the county clerks and other election officials to allow only those voters meeting the registered political party's criteria to vote for that party's presidential candidates.

(2) (a) For each ~~[person]~~ individual who registers to vote ~~[on or after May 3, 1999]~~, the county clerk shall:

(i) record the party affiliation designated by the ~~[voter]~~ individual on the voter registration form as the ~~[voter's]~~ individual's party affiliation; or

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

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

Section 26. Section **20A-9-806** is amended to read:

20A-9-806. Ballots.

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(1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

(a) develop paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional ballot envelopes to be used in [~~Utah's Western States Presidential Primary~~] a presidential primary election;

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

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

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

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

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

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

(iv) protect against fraud.

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

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

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

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

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- (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ballot sheets for each registered political party;
- (ii) place ballot labels or ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or
- (iii) consider other means of accomplishing the objectives outlined in Subsection (2)(a).

Section 27. Section **20A-9-807** is amended to read:

20A-9-807. Combining voting precincts.

(1) The county legislative body may combine voting precincts for [~~Utah's Western States Presidential Primary~~] the presidential primary election by following the procedures and requirements of Section 20A-5-303.

(2) The county legislative body may not combine voting precincts if the voting precincts are in different congressional districts as established by Section 20A-13-102.

Section 28. Section **20A-9-808** is amended to read:

20A-9-808. Voting.

Voting in [~~Utah's Western States Presidential Primary~~] a presidential primary election shall be conducted in accordance with the procedures of Section 20A-3-104.5.

Section 29. Section **20A-9-809** is amended to read:

20A-9-809. Counting votes -- Canvass -- Certification of results to parties.

(1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and retained, returns canvassed, and recounts and election contests conducted as provided in [~~Title 20A,~~] Chapter 4, Election Returns and Election Contests.

(2) After the canvass is complete and the report is prepared, the lieutenant governor shall transmit a copy of the report to each registered political party that participated in [~~Utah's Western States Presidential Primary~~] the presidential primary election.

Section 30. Repealer.

This bill repeals:

Section **20A-9-804, Registration with county clerk.**