

VOTER AFFILIATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill addresses voting in primary elections, and changing party affiliation, for an election held in an even-numbered year.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the deadline by which a voter may change the voter's political party affiliation for an election held in an even-numbered year;
- ▶ prohibits voting in the primary elections of multiple registered political parties for the same election; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

20A-2-107, as last amended by Laws of Utah 2022, Chapter 170

REPEALS AND REENACTS:

20A-2-107.5, as last amended by Laws of Utah 2021, Chapter 430

Utah Code Sections Affected by Coordination Clause:

20A-2-107, as last amended by Laws of Utah 2022, Chapter 170

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31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **20A-2-107** is amended to read:33 **20A-2-107. Designating or changing party affiliation -- Times permitted.**34 (1) As used in this section, "change of affiliation deadline" means:35 (a) for an election held in an even-numbered year in which a presidential election will36 be held, the day after the declaration of candidacy deadline described in Subsection37 20A-9-201.5(2)(b); or38 (b) for an election held in an even-numbered year in which a presidential election will39 not be held, April 1.40 ~~[(1)]~~ (2) The county clerk shall:41 (a) except as provided in Subsection ~~[(3)]~~ (6) or ~~[20A-2-107.5(1)(c)]~~ 20A-2-107.5(3),42 record the party affiliation designated by the voter on the voter registration form as the voter's
43 party affiliation; or44 (b) if no political party affiliation is designated by the voter on the voter registration
45 form:46 (i) except as provided in Subsection ~~[(1)(b)(ii)]~~ (2)(b)(ii), record the voter's party
47 affiliation as the party that the voter designated the last time that the voter designated a party on
48 a voter registration form, unless the voter more recently registered as "unaffiliated"; or

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

50 (A) did not previously designate a party;

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

52 (C) did not previously register.

53 ~~[(2)]~~ (3) (a) Any registered voter may designate or change the voter's political party
54 affiliation by complying with the procedures and requirements of this Subsection ~~[(2)]~~ (3).55 (b) A registered voter may designate or change the voter's political party affiliation by
56 filing with the county clerk, the municipal clerk, or the lieutenant governor a voter registration
57 form or another signed form ~~[with the county clerk]~~ that identifies the registered political party

58 with which the voter chooses to affiliate.

59 (c) Except as provided in Subsection ~~[(2)(d)]~~ (3)(d), a voter registration form or
 60 another signed form designating or changing a voter's political party affiliation takes effect
 61 when the county clerk receives the signed form.

62 (d) The party affiliation of a voter who changes party affiliation, or who becomes
 63 unaffiliated from a political party, at any time on or after the change of affiliation deadline and
 64 on or before the date of the regular primary election, takes effect the day after the statewide
 65 canvass for the regular primary election.

66 ~~[(d) In an even-numbered year, a form described in Subsection (2)(c) received by the~~
 67 ~~county clerk after March 31 takes effect on the day after that year's regular primary election if~~
 68 ~~the form changes a registered voter's affiliation with one political party to affiliate with another~~
 69 ~~political party.]~~

70 ~~[(e) Any part of a form described in Subsection (2)(d), other than the voter's~~
 71 ~~designation or change of political party affiliation, takes effect when the county clerk receives~~
 72 ~~the signed form.]~~

73 ~~[(f)]~~ (4) For purposes of Subsection ~~[(2)(d), a signed]~~ (3)(d), a form described in
 74 Subsection ~~[(2)(c)]~~ (3)(c) is received by the county clerk ~~[on or before March 31]~~ before the
 75 change of affiliation deadline if:

76 ~~[(i)]~~ (a) the individual submits the form in person at the county clerk's office no later
 77 than 5 p.m. on the ~~[last business day before April 1]~~ day before the change of affiliation
 78 deadline;

79 ~~[(ii)]~~ (b) the individual submits the form electronically through the system described in
 80 Section [20A-2-206](#), at or before 11:59 p.m. ~~[on March 31]~~ before the day of the change of
 81 affiliation deadline; or

82 ~~[(iii)]~~ (c) the individual's form is clearly postmarked ~~[on or before March 31]~~ before
 83 the change of affiliation deadline.

84 ~~[(g)]~~ (5) Subsection ~~[(2)(d)]~~ (3)(d) does not apply to the party affiliation designated by
 85 a voter on ~~[the]~~ a voter registration form if:

86 ~~[(i)]~~ (a) the voter has not previously been registered to vote in the state; or
87 ~~[(ii)]~~ (b) the voter's most recent party affiliation was changed to "unaffiliated" by a
88 county clerk under Subsection ~~[(3)]~~ (6).
89 ~~[(3)]~~ (6) If the most recent party affiliation designated by a voter is for a political party
90 that is no longer a registered political party, the county clerk shall:
91 (a) change the voter's party affiliation to "unaffiliated"; and
92 (b) notify the voter electronically or by mail:
93 (i) that the voter's affiliation has been changed to "unaffiliated" because the most recent
94 party affiliation designated by the voter is for a political party that is no longer a registered
95 political party; and
96 (ii) of the methods and deadlines for changing the voter's party affiliation.

97 Section 2. Section **20A-2-107.5** is repealed and reenacted to read:

98 **20A-2-107.5. Designating or changing party affiliation -- Regular primary**
99 **election and presidential primary election -- Voting in primaries of multiple parties**
100 **prohibited.**

101 (1) As used in this section, "change of affiliation deadline" means the same as that term
102 is defined in Subsection 20A-2-107(1).

103 (2) Except as provided in Subsection (3), a registered voter who is classified as
104 "unaffiliated" may, at a regular primary election or a presidential primary election:

105 (a) affiliate with a political party by completing a change of party affiliation form or
106 voter registration form and submitting the form to the county clerk or a poll worker; and

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

108 (3) The party affiliation of a voter who changes party affiliation, or who becomes
109 unaffiliated from a political party, at any time on or after the change of affiliation deadline and
110 on or before the date of the regular primary election, takes effect the day after the statewide
111 canvass for the regular primary election.

112 (4) (a) A voter who votes in the presidential primary election of a registered political
113 party may not, for the same election, vote in the presidential primary election of another

114 registered political party.

115 (b) A voter who votes in the regular primary election of a registered political party may
116 not, for the same election, vote in the regular primary election of another registered political
117 party.

118 Section 3. **Coordinating H.B. 365 with H.B. 69 -- Substantive and technical**
119 **amendments.**

120 If this H.B. 365 and H.B. 69, Election Modifications, both pass and become law, it is
121 the intent of the Legislature that the Office of Legislative Research and General Counsel shall
122 prepare the Utah Code database for publication as follows:

123 (1) by amending Subsection [20A-2-107\(1\)\(a\)](#) as follows:

124 "~~(1)~~ (2) The county clerk shall:

125 (a) except as provided in Subsection~~(3)~~(6) or ~~[2A-2-107.5(1)(c)]~~ [20A-2-107.5\(3\)](#),
126 record the party affiliation designated by the voter on the voter registration form as the voter's
127 party affiliation; or"; and

128 (2) the changes to Section [20A-2-107.5](#) in H.B. 365 supersede the changes to
129 Subsection [20A-2-107.5](#) in H.B. 69.