

ELECTION LAW AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ changes certain deadlines related to a municipal election;
- ▶ requires a municipality to give notice of the declaration of candidacy filing period;
- ▶ changes the time in which a person's right to vote may be challenged; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-301, as last amended by Laws of Utah 2008, Chapter 19

20A-1-102, as last amended by Laws of Utah 2011, Chapters 17, 40, 310, and 335

20A-2-205, as last amended by Laws of Utah 2006, Chapters 264 and 326

20A-3-202, as last amended by Laws of Utah 2011, Chapter 395

20A-4-106, as last amended by Laws of Utah 2002, Chapter 177

20A-5-206, as last amended by Laws of Utah 1994, Chapter 21

20A-9-404, as last amended by Laws of Utah 2011, Chapters 17 and 327

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31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **10-3-301** is amended to read:33 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
34 **office -- Mayor and recorder limitations.**35 (1) (a) On or before February 1 in a year in which there is a municipal general election,
36 the municipal clerk shall publish a notice that identifies:37 (i) the municipal offices to be voted on in the municipal general election; and38 (ii) the dates for filing a declaration of candidacy for the offices identified under39 Subsection (1)(a)(i).40 (b) The municipal clerk shall publish the notice described in Subsection (1)(a):41 (i) on the Utah Public Notice Website established by Section 63F-1-701; and42 (ii) in at least one of the following ways:43 (A) at the principal office of the municipality;44 (B) in a newspaper of general circulation within the municipality at least once a week45 for two successive weeks in accordance with Section 45-1-101;46 (C) in a newsletter produced by the municipality;47 (D) on a website operated by the municipality; or48 (E) with a utility enterprise fund customer's bill.49 ~~[(1)]~~ (2) A person filing a declaration of candidacy for a municipal office shall meet the
50 requirements of Section 20A-9-203.51 ~~[(2)]~~ (3) Any person elected to municipal office shall be a registered voter in the
52 municipality in which the person was elected.53 ~~[(3)]~~ (4) (a) Each elected officer of a municipality shall maintain residency within the
54 boundaries of the municipality during the officer's term of office.55 (b) If an elected officer of a municipality establishes a principal place of residence as
56 provided in Section 20A-2-105 outside the municipality during the officer's term of office, the
57 office is automatically vacant.

58 [~~(4)~~] (5) If an elected municipal officer is absent from the municipality any time during
59 the officer's term of office for a continuous period of more than 60 days without the consent of
60 the municipal legislative body, the municipal office is automatically vacant.

61 [~~(5)~~] (6) (a) A mayor of a municipality may not also serve as the municipal recorder or
62 treasurer.

63 (b) The recorder of a municipality may not also serve as the municipal treasurer.

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

65 **20A-1-102. Definitions.**

66 As used in this title:

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

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

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

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

75 (4) "Ballot sheet":

76 (a) means a ballot that:

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

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

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

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

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

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

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

- 86 (a) an opinion question specifically authorized by the Legislature;
- 87 (b) a constitutional amendment;
- 88 (c) an initiative;
- 89 (d) a referendum;
- 90 (e) a bond proposition;
- 91 (f) a judicial retention question; or
- 92 (g) any other ballot question specifically authorized by the Legislature.
- 93 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
- 94 20A-4-306 to canvass election returns.
- 95 (8) "Bond election" means an election held for the purpose of approving or rejecting
- 96 the proposed issuance of bonds by a government entity.
- 97 (9) "Book voter registration form" means voter registration forms contained in a bound
- 98 book that are used by election officers and registration agents to register persons to vote.
- 99 (10) "By-mail voter registration form" means a voter registration form designed to be
- 100 completed by the voter and mailed to the election officer.
- 101 (11) "Canvass" means the review of election returns and the official declaration of
- 102 election results by the board of canvassers.
- 103 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 104 the canvass.
- 105 (13) "Contracting election officer" means an election officer who enters into a contract
- 106 or interlocal agreement with a provider election officer.
- 107 (14) "Convention" means the political party convention at which party officers and
- 108 delegates are selected.
- 109 (15) "Counting center" means one or more locations selected by the election officer in
- 110 charge of the election for the automatic counting of ballots.
- 111 (16) "Counting judge" means a poll worker designated to count the ballots during
- 112 election day.
- 113 (17) "Counting poll watcher" means a person selected as provided in Section

114 20A-3-201 to witness the counting of ballots.

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

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

120 (20) "Date of the election" or "election day" or "day of the election":

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

123 (b) does not include:

124 (i) deadlines established for absentee voting; or

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

127 (21) "Elected official" means:

128 (a) a person elected to an office under Section 20A-1-303;

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

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

133 (22) "Election" means a regular general election, a municipal general election, a
134 statewide special election, a local special election, a regular primary election, a municipal
135 primary election, and a local district election.

136 (23) "Election Assistance Commission" means the commission established by Public
137 Law 107-252, the Help America Vote Act of 2002.

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

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

141 (a) preside over other poll workers at a polling place;

- 142 (b) act as the presiding election judge; or
- 143 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 144 (26) "Election officer" means:
- 145 (a) the lieutenant governor, for all statewide ballots and elections;
- 146 (b) the county clerk for:
- 147 (i) a county ballot and election; and
- 148 (ii) a ballot and election as a provider election officer as provided in Section
- 149 20A-5-400.1 or 20A-5-400.5;
- 150 (c) the municipal clerk for:
- 151 (i) a municipal ballot and election; and
- 152 (ii) a ballot and election as a provider election officer as provided in Section
- 153 20A-5-400.1 or 20A-5-400.5;
- 154 (d) the local district clerk or chief executive officer for:
- 155 (i) a local district ballot and election; and
- 156 (ii) a ballot and election as a provider election officer as provided in Section
- 157 20A-5-400.1 or 20A-5-400.5; or
- 158 (e) the business administrator or superintendent of a school district for:
- 159 (i) a school district ballot and election; and
- 160 (ii) a ballot and election as a provider election officer as provided in Section
- 161 20A-5-400.1 or 20A-5-400.5.
- 162 (27) "Election official" means:
- 163 (a) for an election other than a bond election, the count of votes cast in the election and
- 164 the election returns requested by the board of canvassers; or
- 165 (b) any election officer, election judge, or poll worker.
- 166 (28) "Election results" means:
- 167 (a) for an election other than a bond election, the count of votes cast in the election and
- 168 the election returns requested by the board of canvassers; or
- 169 (b) for bond elections, the count of those votes cast for and against the bond

170 proposition plus any or all of the election returns that the board of canvassers may request.

171 (29) "Election returns" includes the pollbook, [~~all affidavits of registration,~~] the
172 military and overseas absentee voter registration and voting certificates, one of the tally sheets,
173 any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
174 spoiled ballots, the ballot disposition form, and the total votes cast form.

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

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

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

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

182 (33) "Inactive voter" means a registered voter who has:

183 (a) been sent the notice required by Section 20A-2-306; and

184 (b) failed to respond to that notice.

185 (34) "Inspecting poll watcher" means a person selected as provided in this title to
186 witness the receipt and safe deposit of voted and counted ballots.

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

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

190 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
191 Local Government Entities - Local Districts, and includes a special service district under Title
192 17D, Chapter 1, Special Service District Act.

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

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

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

198 local school district.

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

202 (42) "Municipal executive" means:

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

204 or

205 (b) the mayor in the council-manager form of government defined in Subsection
206 10-3b-103(6).

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

210 (44) "Municipal legislative body" means the council of the city or town in any form of
211 municipal government.

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

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

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

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

219 (49) "Official endorsement" means:

220 (a) the information on the ballot that identifies:

221 (i) the ballot as an official ballot;

222 (ii) the date of the election; and

223 (iii) the facsimile signature of the election officer; and

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

225 (i) the poll worker's initials; and

- 226 (ii) the ballot number.
- 227 (50) "Official register" means the official record furnished to election officials by the
228 election officer that contains the information required by Section 20A-5-401.
- 229 (51) "Paper ballot" means a paper that contains:
- 230 (a) the names of offices and candidates and statements of ballot propositions to be
231 voted on; and
- 232 (b) spaces for the voter to record the voter's vote for each office and for or against each
233 ballot proposition.
- 234 (52) "Political party" means an organization of registered voters that has qualified to
235 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
236 and Procedures.
- 237 (53) (a) "Poll worker" means a person assigned by an election official to assist with an
238 election, voting, or counting votes.
- 239 (b) "Poll worker" includes election judges.
- 240 (c) "Poll worker" does not include a watcher.
- 241 (54) "Pollbook" means a record of the names of voters in the order that they appear to
242 cast votes.
- 243 (55) "Polling place" means the building where voting is conducted.
- 244 (56) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
245 in which the voter marks the voter's choice.
- 246 (57) "Provider election officer" means an election officer who enters into a contract or
247 interlocal agreement with a contracting election officer to conduct an election for the
248 contracting election officer's local political subdivision in accordance with Section
249 20A-5-400.1.
- 250 (58) "Provisional ballot" means a ballot voted provisionally by a person:
- 251 (a) whose name is not listed on the official register at the polling place;
- 252 (b) whose legal right to vote is challenged as provided in this title; or
- 253 (c) whose identity was not sufficiently established by a poll worker.

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

257 (60) "Primary convention" means the political party conventions at which nominees for
258 the regular primary election are selected.

259 (61) "Protective counter" means a separate counter, which cannot be reset, that:

260 (a) is built into a voting machine; and

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

262 (62) "Qualify" or "qualified" means to take the oath of office and begin performing the
263 duties of the position for which the person was elected.

264 (63) "Receiving judge" means the poll worker that checks the voter's name in the
265 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
266 after the voter has voted.

267 (64) "Registration form" means a book voter registration form and a by-mail voter
268 registration form.

269 (65) "Regular ballot" means a ballot that is not a provisional ballot.

270 (66) "Regular general election" means the election held throughout the state on the first
271 Tuesday after the first Monday in November of each even-numbered year for the purposes
272 established in Section 20A-1-201.

273 (67) "Regular primary election" means the election on the fourth Tuesday of June of
274 each even-numbered year, to nominate candidates of political parties and nonpolitical groups to
275 advance to the regular general election.

276 (68) "Resident" means a person who resides within a specific voting precinct in Utah.

277 (69) "Sample ballot" means a mock ballot similar in form to the official ballot printed
278 and distributed as provided in Section 20A-5-405.

279 (70) "Scratch vote" means to mark or punch the straight party ticket and then mark or
280 punch the ballot for one or more candidates who are members of different political parties.

281 (71) "Secrecy envelope" means the envelope given to a voter along with the ballot into

282 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
283 the voter's vote.

284 (72) "Special election" means an election held as authorized by Section 20A-1-204.

285 (73) "Spoiled ballot" means each ballot that:

286 (a) is spoiled by the voter;

287 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

288 (c) lacks the official endorsement.

289 (74) "Statewide special election" means a special election called by the governor or the
290 Legislature in which all registered voters in Utah may vote.

291 (75) "Stub" means the detachable part of each ballot.

292 (76) "Substitute ballots" means replacement ballots provided by an election officer to
293 the poll workers when the official ballots are lost or stolen.

294 (77) "Ticket" means each list of candidates for each political party or for each group of
295 petitioners.

296 (78) "Transfer case" means the sealed box used to transport voted ballots to the
297 counting center.

298 (79) "Vacancy" means the absence of a person to serve in any position created by
299 statute, whether that absence occurs because of death, disability, disqualification, resignation,
300 or other cause.

301 (80) "Valid voter identification" means:

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

304 (i) a currently valid Utah driver license;

305 (ii) a currently valid identification card that is issued by:

306 (A) the state; or

307 (B) a branch, department, or agency of the United States;

308 (iii) a currently valid Utah permit to carry a concealed weapon;

309 (iv) a currently valid United States passport; or

- 310 (v) a currently valid United States military identification card;
- 311 (b) one of the following identification cards, whether or not the card includes a
- 312 photograph of the voter:
 - 313 (i) a valid tribal identification card;
 - 314 (ii) a Bureau of Indian Affairs card; or
 - 315 (iii) a tribal treaty card; or
 - 316 (c) two forms of identification not listed under Subsection (80)(a) or (b) but that bear
 - 317 the name of the voter and provide evidence that the voter resides in the voting precinct, which
 - 318 may include:
 - 319 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 - 320 election;
 - 321 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 322 (iii) a certified birth certificate;
 - 323 (iv) a valid Social Security card;
 - 324 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 325 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 326 (vii) a currently valid Utah hunting or fishing license;
 - 327 (viii) certified naturalization documentation;
 - 328 (ix) a currently valid license issued by an authorized agency of the United States;
 - 329 (x) a certified copy of court records showing the voter's adoption or name change;
 - 330 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 331 (xii) a currently valid identification card issued by:
 - 332 (A) a local government within the state;
 - 333 (B) an employer for an employee; or
 - 334 (C) a college, university, technical school, or professional school located within the
 - 335 state; or
 - 336 (xiii) a current Utah vehicle registration.
 - 337 (81) "Valid write-in candidate" means a candidate who has qualified as a write-in

338 candidate by following the procedures and requirements of this title.

339 (82) "Voter" means a person who:

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

341 (b) meets the requirements of election registration;

342 (c) is registered to vote; and

343 (d) is listed in the official register book.

344 (83) "Voter registration deadline" means the registration deadline provided in Section
345 20A-2-102.5.

346 (84) "Voting area" means the area within six feet of the voting booths, voting
347 machines, and ballot box.

348 (85) "Voting booth" means:

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

351 (b) a voting device that is free standing.

352 (86) "Voting device" means:

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

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

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

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

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

361 (87) "Voting machine" means a machine designed for the sole purpose of recording
362 and tabulating votes cast by voters at an election.

363 (88) "Voting poll watcher" means a person appointed as provided in this title to
364 witness the distribution of ballots and the voting process.

365 (89) "Voting precinct" means the smallest voting unit established as provided by law

366 within which qualified voters vote at one polling place.

367 (90) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
368 poll watcher, and a testing watcher.

369 (91) "Western States Presidential Primary" means the election established in Chapter 9,
370 Part 8, Western States Presidential Primary.

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

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

374 Section 3. Section **20A-2-205** is amended to read:

375 **20A-2-205. Registration at voter registration agencies.**

376 (1) As used in this section:

377 (a) "Discretionary voter registration agency" means each office designated by the
378 county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide
379 by-mail voter registration forms to the public.

380 (b) "Public assistance agency" means each office in Utah that provides:

381 (i) public assistance; or

382 (ii) state funded programs primarily engaged in providing services to people with
383 disabilities.

384 (2) Any person may obtain and complete a by-mail registration form at a public
385 assistance agency or discretionary voter registration agency.

386 (3) Each public assistance agency and discretionary voter registration agency shall
387 provide, either as part of existing forms or on a separate form, the following information in
388 substantially the following form:

389 "REGISTERING TO VOTE

390 If you are not registered to vote where you live now, would you like to apply to register
391 to vote here today? (Applying to register to vote or declining to register to vote will not affect
392 the amount of assistance that you will be provided by this agency.) Yes___ No___ IF YOU
393 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED

394 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
395 voter registration application form, we will help you. The decision about whether or not to
396 seek or accept help is yours. You may fill out the application form in private. If you believe
397 that someone has interfered with your right to register or to decline to register to vote, your
398 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
399 right to choose your own political party or other political preference, you may file a complaint
400 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
401 84114. [~~(801) 538-1040.~~] The phone number of the Office of the Lieutenant Governor."

402 (4) Unless a person applying for service or assistance from a public assistance agency
403 or discretionary voter registration agency declines, in writing, to register to vote, each public
404 assistance agency and discretionary voter registration agency shall:

405 (a) distribute a by-mail voter registration form with each application for service or
406 assistance provided by the agency or office;

407 (b) assist applicants in completing the voter registration form unless the applicant
408 refuses assistance;

409 (c) accept completed forms for transmittal to the appropriate election official; and

410 (d) transmit a copy of each voter registration form to the appropriate election official
411 within five days after it is received by the division.

412 (5) A person in a public assistance agency or a discretionary voter registration agency
413 that helps a person complete the voter registration form may not:

414 (a) seek to influence an applicant's political preference or party registration;

415 (b) display any political preference or party allegiance;

416 (c) make any statement to an applicant or take any action that has the purpose or effect
417 of discouraging the applicant from registering to vote; or

418 (d) make any statement to an applicant or take any action that has the purpose or effect
419 of leading the applicant to believe that a decision to register or not to register has any bearing
420 upon the availability of services or benefits.

421 (6) Upon receipt of a correctly completed voter registration form, the county clerk

422 shall:

423 (a) enter the applicant's name on the list of registered voters for the voting precinct in
424 which the applicant resides; and

425 (b) notify the applicant of registration.

426 (7) (a) If the county clerk receives a correctly completed voter registration form that is
427 dated after the voter registration deadline, the county clerk shall:

428 (i) register the applicant after the next election; and

429 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
430 informing the applicant that his registration will not be effective until after the election.

431 (b) When the county clerk receives a correctly completed voter registration form at
432 least seven days before an election that is dated on or before the voter registration deadline, the
433 county clerk shall:

434 (i) process the voter registration form; and

435 (ii) record the new voter in the official register.

436 (8) If the county clerk determines that a voter registration form received from a public
437 assistance agency or discretionary voter registration agency is incorrect because of an error or
438 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
439 informing him that he has not been registered because of an error or because the form is
440 incomplete.

441 Section 4. Section **20A-3-202** is amended to read:

442 **20A-3-202. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**

443 (1) A person's right to vote may be challenged because:

444 (a) the voter is not the person whose name appears in the official register or under
445 which name the right to vote is claimed;

446 (b) the voter is not a resident of Utah;

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

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

- 450 (e) the voter's principal place of residence is not in the voting precinct claimed;
- 451 (f) the voter's principal place of residence is not in the geographic boundaries of the
452 election area;
- 453 (g) the voter has already voted in the election;
- 454 (h) the voter is not at least 18 years of age;
- 455 (i) the voter has been convicted of a misdemeanor for an offense under this title and the
456 voter's right to vote in an election has not been restored under Section 20A-2-101.3;
- 457 (j) the voter is a convicted felon and the voter's right to vote in an election has not been
458 restored under Section 20A-2-101.5; or

459 (k) in a regular primary election or in the Western States Presidential Primary, the voter
460 does not meet the political party affiliation requirements for the ballot the voter seeks to vote.

461 (2) A person who challenges another person's right to vote at an election shall do so
462 according to the procedures and requirements of:

463 (a) Section 20A-3-202.3, for challenges issued in writing more than 21 days before the
464 day on which [early] voting commences; or

465 (b) Section 20A-3-202.5, for challenges issued in person at the time of voting.

466 Section 5. Section **20A-4-106** is amended to read:

467 **20A-4-106. Paper ballots -- Sealing.**

468 (1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read
469 and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate
470 strings.

471 (ii) After the ballots are strung, they may not be examined by anyone, except when
472 examined during a recount conducted under the authority of Section 20A-4-401.

473 (b) The judges shall carefully seal all of the strung ballots in a strong envelope.

474 (2) (a) For regular primary elections, after all the ballots have been counted, certified
475 to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate
476 envelopes.

477 (b) The judges shall:

478 (i) seal each of the envelopes containing the votes of each of the political parties in one
479 large envelope; and

480 (ii) return that envelope to the county clerk.

481 (c) The judges shall:

482 (i) destroy the ballots in the blank ballot box; or

483 (ii) if directed to do so by the election officer, return them to the election officer for
484 destruction.

485 (3) As soon as the judges have counted all the votes and sealed the ballots they shall
486 sign and certify the pollbooks.

487 (4) (a) The judges, before they adjourn, shall:

488 (i) enclose and seal the official register, the posting book, the pollbook, [~~all affidavits~~
489 ~~of registration received by them,~~] the ballot disposition form, the military and overseas
490 absentee voter registration and voting certificates, one of the tally sheets, and any unprocessed
491 absentee ballots in a strong envelope or pouch;

492 (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been
493 strung and placed in a separate envelope or pouch as required by Subsection (1);

494 (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot
495 disposition form in a separate envelope or pouch;

496 (iv) place all provisional ballots in a separate envelope or pouch; and

497 (v) place the total votes cast form and the judges' vouchers requesting compensation
498 for services rendered in a separate pouch.

499 (b) Before enclosing the official register in the envelope or pouch, the election judges
500 shall certify it substantially as follows:

501 "We, the undersigned, judges of election for precinct _____, (jurisdiction) _____,
502 Utah, certify that the required entries have been made for the election held
503 _____(month\day\year), including:

504 a list of the ballot numbers for each voter;

505 the voters' signatures, except where a judge has signed for the absentee voters;

506 a list of information surrounding a voter who is challenged,
507 including any affidavits; and
508 a notation for each time a voter was assisted with a ballot."

509 (5) Each judge shall:

510 (a) write his name across the seal of each envelope or pouch;

511 (b) mark on the exterior of the envelope or pouch:

512 (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other
513 words plainly indicating the contents of the packages; and

514 (ii) the number of the voting precinct.

515 Section 6. Section **20A-5-206** is amended to read:

516 **20A-5-206. Change of precinct boundaries -- Revising list.**

517 (1) Whenever the boundaries of any voting precinct are changed, or a new voting
518 precinct is created, the county clerk shall ensure that the names of all voters residing within the
519 territory affected by the change are transferred from one official register to the other.

520 (2) Any registered voter whose name has been erroneously transferred from one
521 official register to another, or erroneously allowed to remain on any official register, may vote
522 in the voting precinct in which ~~[he]~~ the voter resides if ~~[he:]~~ the voter uses a provisional ballot.

523 ~~[(a) signs the registration affidavit; and]~~

524 ~~[(b) presents sufficient proof to the election judges that his name does not appear on
525 the official register because of an error.]~~

526 Section 7. Section **20A-9-404** is amended to read:

527 **20A-9-404. Municipal primary elections.**

528 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
529 all municipalities shall be nominated at a municipal primary election.

530 (b) Municipal primary elections shall be held:

531 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
532 Monday in the August before the regular municipal election; and

533 (ii) whenever possible, at the same polling places as the regular municipal election.

534 (2) If the number of candidates for a particular municipal office does not exceed twice
535 the number of persons needed to fill that office, a primary election for that office may not be
536 held and the candidates are considered nominated.

537 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
538 of voters or delegates.

539 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
540 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
541 by providing that the nomination of candidates for municipal office to be voted upon at a
542 municipal election be nominated by a political party convention or committee.

543 (ii) Any primary election exemption ordinance adopted under the authority of this
544 subsection remains in effect until repealed by ordinance.

545 (c) (i) A convention or committee may not nominate more than one group of
546 candidates or have placed on the ballot more than one group of candidates for the municipal
547 offices to be voted upon at the municipal election.

548 (ii) A convention or committee may nominate a person who has been nominated by a
549 different convention or committee.

550 (iii) A political party may not have more than one group of candidates placed upon the
551 ballot and may not group the same candidates on different tickets by the same party under a
552 different name or emblem.

553 (d) (i) The convention or committee shall prepare a certificate of nomination for each
554 person nominated.

555 (ii) The certificate of nomination shall:

556 (A) contain the name of the office for which each person is nominated, the name, post
557 office address, and, if in a city, the street number of residence and place of business, if any, of
558 each person nominated;

559 (B) designate in not more than five words the political party that the convention or
560 committee represents;

561 (C) contain a copy of the resolution passed at the convention that authorized the

562 committee to make the nomination;

563 (D) contain a statement certifying that the name of the candidate nominated by the
564 political party will not appear on the ballot as a candidate for any other political party;

565 (E) be signed by the presiding officer and secretary of the convention or committee;
566 and

567 (F) contain a statement identifying the residence and post office address of the
568 presiding officer and secretary and certifying that the presiding officer and secretary were
569 officers of the convention or committee and that the certificates are true to the best of their
570 knowledge and belief.

571 (iii) Certificates of nomination shall be filed with the clerk not later than [~~the sixth~~
572 ~~Tuesday~~] 80 days before the [~~November~~] municipal general election.

573 (e) A committee appointed at a convention, if authorized by an enabling resolution,
574 may also make nominations or fill vacancies in nominations made at a convention.

575 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
576 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
577 be included with the candidate's name.

578 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
579 that falls before the regular municipal election that:

580 (i) exempts the city from the other methods of nominating candidates to municipal
581 office provided in this section; and

582 (ii) provides for a partisan primary election method of nominating candidates as
583 provided in this Subsection (4).

584 (b) (i) Any party that was a registered political party at the last regular general election
585 or regular municipal election is a municipal political party under this section.

586 (ii) Any political party may qualify as a municipal political party by presenting a
587 petition to the city recorder that:

588 (A) is signed, with a holographic signature, by registered voters within the municipality
589 equal to at least 20% of the number of votes cast for all candidates for mayor in the last

590 municipal election at which a mayor was elected;

591 (B) is filed with the city recorder [~~by the seventh Tuesday~~] at least 55 days before the
592 date of the municipal primary election;

593 (C) is substantially similar to the form of the signature sheets described in Section
594 20A-7-303; and

595 (D) contains the name of the municipal political party using not more than five words.

596 (c) (i) If the number of candidates for a particular office does not exceed twice the
597 number of offices to be filled at the regular municipal election, no partisan primary election for
598 that office shall be held and the candidates are considered to be nominated.

599 (ii) If the number of candidates for a particular office exceeds twice the number of
600 offices to be filled at the regular municipal election, those candidates for municipal office shall
601 be nominated at a partisan primary election.

602 (d) The clerk shall ensure that:

603 (i) the partisan municipal primary ballot is similar to the ballot forms required by
604 Sections 20A-6-401 and 20A-6-401.1;

605 (ii) the candidates for each municipal political party are listed in one or more columns
606 under their party name and emblem;

607 (iii) the names of candidates of all parties are printed on the same ballot, but under
608 their party designation;

609 (iv) every ballot is folded and perforated so as to separate the candidates of one party
610 from those of the other parties and so as to enable the elector to separate the part of the ballot
611 containing the names of the party of his choice from the remainder of the ballot; and

612 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
613 when detached, are similar in appearance to inside sections when detached.

614 (e) After marking a municipal primary ballot, the voter shall:

615 (i) detach the part of the ballot containing the names of the candidates of the party he
616 has voted from the rest of the ballot;

617 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;

618 and

619 (iii) fold the remainder of the ballot containing the names of the candidates of the
620 parties for whom the elector did not vote and deposit it in the blank ballot box.

621 (f) Immediately after the canvass, the election judges shall, without examination,
622 destroy the tickets deposited in the blank ballot box.