

ELECTION LAW REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill amends Title 20A, Election Code.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ amends a provision regarding arguments for or against a ballot proposition in the local voter information pamphlet;
- ▶ modifies the quantity of voter registration forms a county clerk provides to a political party;
- ▶ amends the deadline for county clerks to change precincts following redistricting;
- ▶ changes the date on which the nominating and recruiting committee may act;
- ▶ directs the lieutenant governor to certify a single county candidate; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2010, Chapters 129, 197, and 254

20A-2-301, as last amended by Laws of Utah 2008, Chapter 103

20A-3-104.5, as last amended by Laws of Utah 2010, Chapter 197

- 30 **20A-4-107**, as last amended by Laws of Utah 2010, Chapter 197
- 31 **20A-5-303 (Superseded 03/08/12)**, as last amended by Laws of Utah 2008, Chapter 71
- 32 **20A-5-303 (Effective 03/08/12)**, as last amended by Laws of Utah 2010, Chapter 130
- 33 **20A-7-402**, as last amended by Laws of Utah 2008, Chapter 170
- 34 **20A-9-403**, as last amended by Laws of Utah 2008, Chapter 225
- 35 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315

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

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

39 **20A-1-102. Definitions.**

40 As used in this title:

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

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

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

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

49 (4) "Ballot sheet":

50 (a) means a ballot that:

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

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

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

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

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

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

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

- 60 (a) an opinion question specifically authorized by the Legislature;
- 61 (b) a constitutional amendment;
- 62 (c) an initiative;
- 63 (d) a referendum;
- 64 (e) a bond proposition;
- 65 (f) a judicial retention question; or
- 66 (g) any other ballot question specifically authorized by the Legislature.

67 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
68 20A-4-306 to canvass election returns.

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

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

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

75 (11) "Canvass" means the review of election returns and the official declaration of
76 election results by the board of canvassers.

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

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

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

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

85 (16) "Counting poll watcher" means a person selected as provided in Section

86 20A-3-201 to witness the counting of ballots.

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

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

92 (19) "Date of the election" or "election day" or "day of the election":

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

95 (b) does not include:

96 (i) deadlines established for absentee voting; or

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

99 (20) "Election" means a regular general election, a municipal general election, a
100 statewide special election, a local special election, a regular primary election, a municipal
101 primary election, and a local district election.

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

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

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

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

108 (b) act as the presiding election judge; or

109 (c) serve as a canvassing judge, counting judge, or receiving judge.

110 (24) "Election officer" means:

111 (a) the lieutenant governor, for all statewide ballots;

112 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
113 as provided in Section 20A-5-400.5;

114 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
115 provided in Section 20A-5-400.5;

116 (d) the local district clerk or chief executive officer for certain ballots and elections as
117 provided in Section 20A-5-400.5; and

118 (e) the business administrator or superintendent of a school district for certain ballots
119 or elections as provided in Section 20A-5-400.5.

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

121 (26) "Election results" means[;]:

122 (a) for an election other than a bond election, the count of votes cast in the election and
123 the election returns requested by the board of canvassers; or

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

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

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

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

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

134 (30) "Inactive voter" means a registered voter who has:

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

136 (b) failed to respond to that notice.

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

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

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

142 (34) "Local district" means a local government entity under Title 17B, Limited Purpose
143 Local Government Entities - Local Districts, and includes a special service district under Title
144 17D, Chapter 1, Special Service District Act.

145 (35) "Local district officers" means those local district officers that are required by law
146 to be elected.

147 (36) "Local election" means a regular municipal election, a local special election, a
148 local district election, and a bond election.

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

151 (38) "Local special election" means a special election called by the governing body of a
152 local political subdivision in which all registered voters of the local political subdivision may
153 vote.

154 (39) "Municipal executive" means:

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

157 (b) the mayor in the council-manager form of government defined in Subsection
158 10-3b-103(6).

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

162 (41) "Municipal legislative body" means the council of the city or town in any form of
163 municipal government.

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

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

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

- 170 (45) "Official endorsement" means:
- 171 (a) the information on the ballot that identifies:
- 172 (i) the ballot as an official ballot;
- 173 (ii) the date of the election; and
- 174 (iii) the facsimile signature of the election officer; and
- 175 (b) the information on the ballot stub that identifies:
- 176 (i) the poll worker's initials; and
- 177 (ii) the ballot number.
- 178 (46) "Official register" means the official record furnished to election officials by the
- 179 election officer that contains the information required by Section 20A-5-401.
- 180 (47) "Paper ballot" means a paper that contains:
- 181 (a) the names of offices and candidates and statements of ballot propositions to be
- 182 voted on; and
- 183 (b) spaces for the voter to record the voter's vote for each office and for or against each
- 184 ballot proposition.
- 185 (48) "Political party" means an organization of registered voters that has qualified to
- 186 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
- 187 and Procedures.
- 188 (49) (a) "Poll worker" means a person assigned by an election official to assist with an
- 189 election, voting, or counting votes.
- 190 (b) "Poll worker" includes election judges.
- 191 (c) "Poll worker" does not include a watcher.
- 192 (50) "Pollbook" means a record of the names of voters in the order that they appear to
- 193 cast votes.
- 194 (51) "Polling place" means the building where voting is conducted.
- 195 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 196 in which the voter marks the voter's choice.
- 197 (53) "Provisional ballot" means a ballot voted provisionally by a person:

198 (a) whose name is not listed on the official register at the polling place;

199 (b) whose legal right to vote is challenged as provided in this title; or

200 (c) whose identity was not sufficiently established by a poll worker.

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

204 (55) "Primary convention" means the political party conventions at which nominees for
205 the regular primary election are selected.

206 (56) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

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

211 (58) "Receiving judge" means the poll worker that checks the voter's name in the
212 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
213 after the voter has voted.

214 (59) "Registration form" means a book voter registration form and a by-mail voter
215 registration form.

216 (60) "Regular ballot" means a ballot that is not a provisional ballot.

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

220 (62) "Regular primary election" means the election on the fourth Tuesday of June of
221 each even-numbered year, to nominate candidates of political parties and nonpolitical groups to
222 advance to the regular general election.

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

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

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

228 (66) "Secrecy envelope" means the envelope given to a voter along with the ballot into
229 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
230 the voter's vote.

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

232 (68) "Spoiled ballot" means each ballot that:

233 (a) is spoiled by the voter;

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

235 (c) lacks the official endorsement.

236 (69) "Statewide special election" means a special election called by the governor or the
237 Legislature in which all registered voters in Utah may vote.

238 (70) "Stub" means the detachable part of each ballot.

239 (71) "Substitute ballots" means replacement ballots provided by an election officer to
240 the poll workers when the official ballots are lost or stolen.

241 (72) "Ticket" means each list of candidates for each political party or for each group of
242 petitioners.

243 (73) "Transfer case" means the sealed box used to transport voted ballots to the
244 counting center.

245 (74) "Vacancy" means the absence of a person to serve in any position created by
246 statute, whether that absence occurs because of death, disability, disqualification, resignation,
247 or other cause.

248 (75) "Valid voter identification" means:

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

251 (i) a currently valid Utah driver license;

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

253 (A) the state; or

- 254 (B) a branch, department, or agency of the United States;
- 255 (iii) a currently valid Utah permit to carry a concealed weapon;
- 256 (iv) a currently valid United States passport; or
- 257 (v) a currently valid United States military identification card;
- 258 (b) one of the following identification cards, whether or not the card includes a
259 photograph of the voter:
- 260 (i) a valid tribal identification card;
- 261 (ii) a Bureau of Indian Affairs card; or
- 262 (iii) a tribal treaty card; or
- 263 (c) two forms of identification not listed under Subsection (75)(a) or (b) but that bear
264 the name of the voter and provide evidence that the voter resides in the voting precinct, which
265 may include:
- 266 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
267 election;
- 268 (ii) a bank or other financial account statement, or a legible copy thereof;
- 269 (iii) a certified birth certificate;
- 270 (iv) a valid Social Security card;
- 271 (v) a check issued by the state or the federal government or a legible copy thereof;
- 272 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 273 (vii) a currently valid Utah hunting or fishing license;
- 274 (viii) certified naturalization documentation;
- 275 (ix) a currently valid license issued by an authorized agency of the United States;
- 276 (x) a certified copy of court records showing the voter's adoption or name change;
- 277 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 278 (xii) a currently valid identification card issued by:
- 279 (A) a local government within the state;
- 280 (B) an employer for an employee; or
- 281 (C) a college, university, technical school, or professional school located within the

282 state; or

283 (xiii) a current Utah vehicle registration.

284 (76) "Valid write-in candidate" means a candidate who has qualified as a write-in
285 candidate by following the procedures and requirements of this title.

286 (77) "Voter" means a person who:

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

288 (b) meets the requirements of election registration;

289 (c) is registered to vote; and

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

291 (78) "Voter registration deadline" means the registration deadline provided in Section
292 20A-2-102.5.

293 (79) "Voting area" means the area within six feet of the voting booths, voting
294 machines, and ballot box.

295 (80) "Voting booth" means:

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

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

299 (81) "Voting device" means:

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

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

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

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

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

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

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

312 (84) "Voting precinct" means the smallest voting unit established as provided by law
313 within which qualified voters vote at one polling place.

314 (85) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
315 poll watcher, and a testing watcher.

316 (86) "Western States Presidential Primary" means the election established in Title 20A,
317 Chapter 9, Part 8.

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

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

321 Section 2. Section **20A-2-301** is amended to read:

322 **20A-2-301. County clerk responsibilities -- Voter registration forms.**

323 (1) Each county clerk shall provide book voter registration forms and by-mail voter
324 registration forms for use in the voter registration process.

325 (2) (a) Each county clerk shall:

326 (i) designate certain offices within the county to provide by-mail voter registration
327 forms to the public; and

328 (ii) provide by-mail voter registration forms to each public assistance agency and
329 discretionary voter registration agency.

330 (b) Each county clerk may provide copies of by-mail voter registration forms to public
331 school districts and nonpublic schools as provided in Section 20A-2-302.

332 (3) ~~(a)~~ Each regular general election year, the county clerk shall ~~make~~ provide
333 by-mail voter registration forms ~~available~~ to the political parties ~~as provided in this~~
334 Subsection (3)] in a quantity requested by the political parties, as needed.

335 ~~[(b) The county clerk shall set aside by-mail registration forms equal to 10% of the~~
336 ~~number of registered voters in the county as of January 1 of that regular general election year~~
337 ~~for allocation to political parties.]~~

338 ~~[(c) The forms shall be allocated to the respective political parties in each county as~~
339 ~~follows:]~~

340 ~~[(i) Ninety percent of the forms shall be made available on an equal basis to all parties~~
341 ~~who had any candidate who polled 10% or more of the vote for any partisan office in the last~~
342 ~~regular general election.]~~

343 ~~[(ii) Ten percent of the forms shall be made available on an equal basis to all other~~
344 ~~parties who qualify for a position on the ballot for the next regular general election.]~~

345 (4) Candidates, parties, organizations, and interested persons may purchase by-mail
346 voter registration forms from the county clerk or from the printer.

347 (5) (a) The clerk shall make book voter registration forms available to interested
348 organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

349 (b) Interested organizations that receive book voter registration forms from the county
350 clerk shall return them to the county clerk on or before the voter registration deadline.

351 (6) The county clerk may not refuse to register any person to vote for failing to provide
352 a telephone number on the voter registration form.

353 (7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter
354 registration forms, obtained as provided in this section, to the county clerk.

355 (b) A person who violates this Subsection (7) is guilty of a class B misdemeanor.

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

357 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**
358 **Primary.**

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

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

364 (c) (i) The poll worker shall follow the procedures and requirements of Section
365 20A-3-105.5 if:

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

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

368 (ii) The poll worker shall notify a voter casting a provisional ballot under Section
369 20A-3-105.5 because of failure to present valid voter identification that the voter has until the
370 close of normal office hours on Monday after the day of the election to:

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

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

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

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

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

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

381 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
382 the official register, the poll worker shall follow the procedures and requirements of Section
383 20A-3-105.5.

384 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall
385 attempt to contact the county clerk's office to request oral verification of the voter's registration.

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

387 (I) record the verification on the official register;

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

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

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

394 or ballots that the voter's party affiliation does allow the voter to vote.

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

401 (B) If the voter wishes to vote another registered political party ballot that the
 402 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
 403 (3).

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

407 [~~(iii) For the primary elections held in 2004, 2006, and 2008 only:~~]

408 [~~(A) If the voter is listed in the official register as "unaffiliated," or if the official
 409 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a
 410 registered political party, the poll worker shall ask the voter if the voter wishes to affiliate with
 411 a registered political party, or remain "unaffiliated."~~]

412 [~~(B) If the voter wishes to affiliate with the registered political party whose ballot the
 413 voter requested, the poll worker shall direct the voter to complete the change of party affiliation
 414 form and proceed as required by Subsection (3):~~]

415 [~~(C) If the voter wishes to remain unaffiliated and wishes to vote another registered
 416 political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall
 417 proceed as required by Subsection (3):~~]

418 [~~(D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
 419 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the
 420 voter may not vote.~~]

421 (3) If the poll worker determines that the voter is registered and eligible, under

422 Subsection (2), to vote the ballot that the voter requested and:
423 (a) if the ballot is a paper ballot or a ballot sheet:
424 (i) the poll worker in charge of the official register shall:
425 (A) write the ballot number and the name of the registered political party whose ballot
426 the voter voted opposite the name of the voter in the official register; and
427 (B) direct the voter to sign the voter's name in the election column in the official
428 register;
429 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
430 and
431 (iii) the poll worker having charge of the ballots shall:
432 (A) endorse the voter's initials on the stub;
433 (B) check the name of the voter on the pollbook list with the number of the stub;
434 (C) hand the voter the ballot for the registered political party that the voter requested
435 and for which the voter is authorized to vote; and
436 (D) allow the voter to enter the voting booth; or
437 (b) if the ballot is an electronic ballot:
438 (i) the poll worker in charge of the official register shall direct the voter to sign the
439 voter's name in the official register;
440 (ii) another poll worker shall list the voter's name in the pollbook; and
441 (iii) the poll worker having charge of the ballots shall:
442 (A) provide the voter access to the electronic ballot for the registered political party
443 that the voter requested and for which the voter is authorized to vote; and
444 (B) allow the voter to vote the electronic ballot.
445 (4) Whenever the election officer is required to furnish more than one kind of official
446 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
447 voter the kind of ballot that the voter is qualified to vote.
448 Section 4. Section **20A-4-107** is amended to read:
449 **20A-4-107. Review and disposition of provisional ballot envelopes.**

- 450 (1) As used in this section, a [voter] person is "legally entitled to vote" if:
- 451 (a) the [voter] person:
- 452 (i) is registered to vote in the state;
- 453 (ii) resides within the voting precinct where the [voter] person seeks to vote; and
- 454 (iii) provided valid voter identification to the poll worker as indicated by a notation in
- 455 the official register;
- 456 (b) the [voter] person:
- 457 (i) is registered to vote in the state;
- 458 (ii) (A) provided valid voter identification to the poll worker as indicated by a notation
- 459 in the official register; or
- 460 (B) either failed to provide valid voter identification or the documents provided as
- 461 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 462 register but the county clerk verifies the [voter's] person's identity and residence through some
- 463 other means; and
- 464 (iii) did not vote in the [voter's] person's precinct of residence, but the ballot that the
- 465 [voter] person voted is identical to the ballot voted in the [voter's] person's precinct of
- 466 residence; or
- 467 (c) the [voter] person:
- 468 (i) is registered to vote in the state;
- 469 (ii) either failed to provide valid voter identification or the documents provided as
- 470 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 471 register; and
- 472 (iii) (A) the county clerk verifies the [voter's] person's identity and residence through
- 473 some other means as reliable as photo identification; or
- 474 (B) the [voter] person provides valid voter identification to the county clerk or an
- 475 election officer who is administering the election by the close of normal office hours on
- 476 Monday after the date of the election.
- 477 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review

478 the affirmation on the face of each provisional ballot envelope and determine if the person
479 signing the affirmation is [~~a registered voter~~] registered to vote in this state and legally entitled
480 to vote the ballot that the [~~voter~~] person voted.

481 (b) If the election officer determines that the person is not [~~a registered voter~~]
482 registered to vote in this state or is not legally entitled to vote the ballot that the [~~voter~~] person
483 voted, the election officer shall retain the ballot envelope, unopened, for the period specified in
484 Section 20A-4-202 unless ordered by a court to produce or count it.

485 (c) If the election officer determines that the person is [~~a registered voter~~] registered to
486 vote in this state and is legally entitled to vote the ballot that the [~~voter~~] person voted, the
487 election officer shall remove the ballot from the provisional ballot envelope and place the
488 ballot with the absentee ballots to be counted with those ballots at the canvass.

489 (d) The election officer may not count, or allow to be counted a provisional ballot
490 unless the [~~voter's~~] person's identity and residence is established by a preponderance of the
491 evidence.

492 (3) If the election officer determines that the person is [~~a registered voter~~] registered to
493 vote in this state, the election officer shall ensure that the voter registration records are updated
494 to reflect the information provided on the provisional ballot envelope.

495 (4) If the election officer determines that the person is not [~~a registered voter~~]
496 registered to vote in this state and the information on the provisional ballot envelope is
497 complete, the election officer shall:

498 (a) consider the provisional ballot envelope a voter registration form; and

499 (b) register the [~~voter~~] person.

500 Section 5. Section **20A-5-303 (Superseded 03/08/12)** is amended to read:

501 **20A-5-303 (Superseded 03/08/12). Establishing, dividing, abolishing, and**
502 **changing voting precincts -- Common polling places -- Combined voting precincts.**

503 (1) (a) After receiving recommendations from the county clerk, the county legislative
504 body may establish, divide, abolish, and change voting precincts.

505 (b) Within 30 days after the establishment, division, abolition, or change of a voting

506 precinct under this section, the county legislative body shall file with the Automated
507 Geographic Reference Center, created under Section 63F-1-506, a notice describing the action
508 taken and specifying the resulting boundaries of each voting precinct affected by the action.

509 (2) (a) The county legislative body shall alter or divide voting precincts so that each
510 voting precinct contains not more than 1,250 active voters.

511 (b) The county legislative body shall:

512 (i) identify those precincts that may reach the limit of active voters in a precinct under
513 Subsection (2)(a) or that becomes too large to facilitate the election process; and

514 (ii) except as provided in Subsection (3), divide those precincts on or before January
515 1[;] of a general election year.

516 (3) A county legislative body shall divide a precinct identified under Subsection
517 (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the
518 calendar year in which the Legislature divides the state into districts in accordance with Utah
519 Constitution, Article IX, Section 1.

520 [~~3~~ The] (4) Except as provided in Subsection (5), the county legislative body may
521 not:

522 (a) establish or abolish any voting precinct after January 1 of a regular general election
523 year; or

524 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
525 general election year.

526 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
527 precinct on or before January 31 of a regular general election year that immediately follows the
528 calendar year in which the Legislature divides the state into districts in accordance with Utah
529 Constitution, Article IX, Section 1.

530 [~~4~~] (6) (a) For the purpose of voting in an election, the county legislative body may
531 establish a common polling place for two or more whole voting precincts.

532 (b) At least 90 days before the election, the county legislative body shall designate:

533 (i) the voting precincts that will vote at the common polling place; and

534 (ii) the location of the common polling place.

535 (c) A county may use one set of election judges for the common polling place under
536 this Subsection [~~(4)~~] (6).

537 [~~(5)~~] (7) Each county shall have at least two polling places open for voting on the date
538 of the election.

539 [~~(6)~~] (8) Each common polling place shall have at least one voting device that is
540 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help
541 America Vote Act of 2002.

542 Section 6. Section **20A-5-303 (Effective 03/08/12)** is amended to read:

543 **20A-5-303 (Effective 03/08/12). Establishing, dividing, abolishing, and changing**
544 **voting precincts -- Common polling places -- Combined voting precincts.**

545 (1) (a) After receiving recommendations from the county clerk, the county legislative
546 body may establish, divide, abolish, and change voting precincts.

547 (b) Within 30 days after the establishment, division, abolition, or change of a voting
548 precinct under this section, the county legislative body shall file with the Automated
549 Geographic Reference Center, created under Section 63F-1-506, a notice describing the action
550 taken and specifying the resulting boundaries of each voting precinct affected by the action.

551 (2) (a) The county legislative body shall alter or divide voting precincts so that each
552 voting precinct contains not more than 1,250 active voters.

553 (b) The county legislative body shall:

554 (i) identify those precincts that may reach the limit of active voters in a precinct under
555 Subsection (2)(a) or that becomes too large to facilitate the election process; and

556 (ii) except as provided by Subsection (3), divide those precincts on or before January
557 1[;] of a general election year.

558 (3) A county legislative body shall divide a precinct identified under Subsection
559 (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the
560 calendar year in which the Legislature divides the state into districts in accordance with Utah
561 Constitution, Article IX, Section 1.

562 [~~3~~] (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5),
563 the county legislative body may not:

564 (a) establish or abolish any voting precinct after January 1 of a regular general election
565 year;

566 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
567 general election year; or

568 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
569 year immediately preceding the year in which an enumeration is required by the United States
570 Constitution and the day on which the Legislature divides the state into districts in accordance
571 with Utah Constitution, Article IX, Section 1.

572 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
573 precinct on or before January 31 of a regular general election year that immediately follows the
574 calendar year in which the Legislature divides the state into districts in accordance with Utah
575 Constitution, Article IX, Section 1.

576 [~~4~~] (6) (a) For the purpose of voting in an election, the county legislative body may
577 establish a common polling place for two or more whole voting precincts.

578 (b) At least 90 days before the election, the county legislative body shall designate:

579 (i) the voting precincts that will vote at the common polling place; and

580 (ii) the location of the common polling place.

581 (c) A county may use one set of election judges for the common polling place under
582 this Subsection [~~4~~] (6).

583 [~~5~~] (7) Each county shall have at least two polling places open for voting on the date
584 of the election.

585 [~~6~~] (8) Each common polling place shall have at least one voting device that is
586 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help
587 America Vote Act of 2002.

588 Section 7. Section **20A-7-402** is amended to read:

589 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**

590 **Preparation -- Statement on front cover.**

591 (1) The county or municipality that is the subject of ~~[an initiative, referendum, or other]~~
592 a ballot proposition shall prepare a local voter information pamphlet that meets the
593 requirements of this part.

594 (2) (a) The arguments for and against ~~[initiatives and referenda]~~ a ballot proposition
595 shall conform to the requirements of this section.

596 (i) ~~[Persons wishing to]~~ To prepare arguments for ~~[and]~~ or against ~~[an initiative,~~
597 ~~referendum, or other]~~ a ballot proposition, a person shall file a request with the local legislative
598 body at least 50 days before the election at which the ~~[proposed measure]~~ ballot proposition is
599 to be voted upon.

600 (ii) If more than one person ~~[or group]~~ requests the opportunity to prepare arguments
601 for or against ~~[any measure]~~ a ballot proposition, the governing body shall make the final
602 designation according to the following criteria:

603 (A) sponsors have priority in ~~[making the]~~ preparing an argument ~~[for a measure]~~
604 regarding a ballot proposition; and

605 (B) members of the local legislative body have priority over others.

606 ~~[(iii) The arguments in favor of the measure shall be prepared by the sponsors,~~
607 ~~whether of the local legislative body or of a voter or voter group, but not more than five names~~
608 ~~shall appear as sponsors.]~~

609 ~~[(iv) The arguments against the measure shall be prepared by opponents from among~~
610 ~~the local legislative body, if any, or from among voters requesting permission of the local~~
611 ~~legislative body to prepare these arguments.]~~

612 (iii) (A) Except as provided by Subsection (2)(a)(iv), a sponsor of a ballot proposition
613 may prepare an argument in favor of the ballot proposition.

614 (B) Except as provided by Subsection (2)(a)(iv), a person opposed to the ballot
615 proposition who submits a request under Subsection (2)(a)(i) may prepare an argument against
616 the ballot proposition.

617 (iv) (A) For a referendum, a person who is in favor of a law that is referred to the

618 voters and who submits a request under Subsection (2)(a)(i) may prepare an argument for
619 adoption of the law.

620 (B) The sponsors of a referendum may prepare an argument against the adoption of a
621 law that is referred to the voters.

622 (v) The arguments may not:

623 (A) exceed 500 words in length[-]; or

624 (B) list more than five names as sponsors.

625 (vi) The arguments supporting and opposing any county or municipal [~~measure~~] ballot
626 proposition shall be filed with the local clerk not less than 45 days before the election at which
627 they are to be voted upon.

628 (b) The local voter information pamphlet shall include a copy of the initial fiscal
629 impact estimate prepared for each initiative under Section 20A-7-502.5.

630 (3) (a) In preparing the local voter information pamphlet, the local legislative body
631 shall:

632 (i) ensure that the arguments are printed on the same sheet of paper upon which the
633 [~~proposed measure~~] ballot proposition is also printed;

634 (ii) ensure that the following statement is printed on the front cover or the heading of
635 the first page of the printed arguments:

636 "The arguments for or against [~~the proposed measure(s)~~] a ballot proposition are the
637 opinions of the authors.";

638 (iii) pay for the printing and binding of the local voter information pamphlet; and

639 (iv) ensure that the local clerk distributes the pamphlets either by mail or carrier not
640 less than eight days before the election at which the [~~measures~~] ballot propositions are to be
641 voted upon.

642 (b) (i) If the proposed measure exceeds 500 words in length, the local legislative body
643 may direct the local clerk to summarize the measure in 500 words or less.

644 (ii) The summary shall state where a complete copy of the [~~measure~~] ballot proposition
645 is available for public review.

646 Section 8. Section **20A-9-403** is amended to read:

647 **20A-9-403. Regular primary elections.**

648 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
649 primary election day.

650 (b) Each registered political party that chooses to use the primary election process to
651 nominate some or all of its candidates shall comply with the requirements of this section.

652 (2) (a) As a condition for using the state's election system, each registered political
653 party that wishes to participate in the primary election shall:

654 (i) declare their intent to participate in the primary election;

655 (ii) identify one or more registered political parties whose members may vote for the
656 registered political party's candidates and whether or not persons identified as unaffiliated with
657 a political party may vote for the registered political party's candidates; and

658 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1
659 of each even-numbered year.

660 (b) As a condition for using the state's election system, each registered political party
661 that wishes to participate in the primary election shall:

662 (i) certify the name and office of all of the registered political party's candidates to the
663 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

664 (ii) certify the name and office of each of its county candidates to the county clerks by
665 5 p.m. on May 13 of each even-numbered year.

666 (c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall
667 send the county clerks a certified list of the names of all statewide [~~or~~] candidates, multicounty
668 candidates, or single county candidates that must be printed on the primary ballot.

669 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does
670 not wish to participate in the primary election, it shall submit the names of its county
671 candidates to the county clerks and the names of all of its candidates to the lieutenant governor
672 by 5 p.m. on May 30 of each even-numbered year.

673 (ii) A registered political party's candidates for President and Vice-President of the

674 United States shall be certified to the lieutenant governor as provided in Subsection
675 20A-9-202(4).

676 (e) Each political party shall certify the names of its presidential and vice-presidential
677 candidates and presidential electors to the lieutenant governor's office no later than September
678 8 of each presidential election year.

679 (3) The county clerk shall:

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

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

685 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

686 (4) After the county clerk receives the certified list from a registered political party, the
687 county clerk shall post or publish a primary election notice in substantially the following form:

688 "Notice is given that a primary election will be held Tuesday, June ____,
689 ____ (year), to nominate party candidates for the parties and nonpartisan offices listed on
690 the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7
691 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

692 (5) (a) Candidates receiving the highest number of votes cast for each office at the
693 regular primary election are nominated by their party or nonpartisan group for that office.

694 (b) If two or more candidates are to be elected to the office at the regular general
695 election, those party candidates equal in number to positions to be filled who receive the
696 highest number of votes at the regular primary election are the nominees of their party for those
697 positions.

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

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

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

710 Section 9. Section **20A-14-105** is amended to read:

711 **20A-14-105. Becoming a candidate for membership on the State Board of**
712 **Education -- Selection of candidates by the governor -- Ballot placement.**

713 (1) By August 1 of each regular general election year, the governor shall:

714 (a) for each state board district subject to election in that year, select two candidates for
715 the State Board of Education from the lists submitted by the state board district nominating and
716 recruiting committee; and

717 (b) certify the names of the two candidates from each school board district to the
718 lieutenant governor.

719 (2) If the governor fails to select two candidates for a state board district by
720 [~~September~~ August 1, the nominating and recruiting committee shall:

721 (a) select the two candidates; and

722 (b) notify the lieutenant governor of its selections by September [~~15~~] 8.

723 (3) The lieutenant governor shall:

724 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

725 (b) certify the names and order of the names to the county clerks for placement on the
726 nonpartisan section of the ballot.

727 Section 10. **Effective date.**

728 (1) Except as provided in Subsection (2), this bill takes effect on May 10, 2011.

729 (2) The amendments to Section 20A-5-303 (Effective 03/08/12) take effect on March

730 8, 2012.