

AMENDMENTS TO ELECTION LAWS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows an individual at least 16 years of age to serve as a receiving judge in an election, prohibits a candidate's family member from serving as a poll worker, and changes the write-in candidate deadline.

Highlighted Provisions:

This bill:

- ▶ allows an individual at least 16 years of age to serve as a receiving judge in a regular primary and a regular general election;
- ▶ prohibits a county legislative body from appointing a candidate's family member as a poll worker in a precinct where the candidate appears on the ballot;
- ▶ allows an individual at least 16 years of age to work as a receiving judge in a local election;
- ▶ prohibits a municipal legislative body or local district board from appointing a candidate's family member as a poll worker in a precinct where the candidate appears on the ballot;
- ▶ establishes the write-in candidate deadline for a city of the fifth class or for a town as 30 days before a municipal general election; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-5-601**, as last amended by Laws of Utah 2007, Chapter 75

33 **20A-5-602**, as last amended by Laws of Utah 2007, Chapters 75, 256, and 329

34 **20A-9-601**, as last amended by Laws of Utah 2013, Chapters 317 and 402

35

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

37 Section 1. Section **20A-5-601** is amended to read:

38 **20A-5-601. Poll workers -- Appointment for regular general elections and**
39 **primary elections.**

40 (1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the
41 county chair of each registered political party a list of the number of poll workers that the party
42 must nominate for each voting precinct.

43 (b) (i) By April 1 of each even-numbered year, the county chair and secretary of each
44 registered political party shall file a list with the county clerk containing, for each voting
45 precinct, the names of [~~registered voters~~] individuals in the county who are willing to [~~be~~]
46 serve as poll workers, who are qualified to serve as poll workers in accordance with this
47 section, and who are competent and trustworthy.

48 (ii) The county chair and secretary shall submit, for each voting precinct, names equal
49 in number to the number required by the county clerk plus one.

50 (2) Each county legislative body shall provide for the appointment of [~~persons~~]
51 individuals to serve as poll workers at the regular primary election, the regular general election,
52 and the Western States Presidential Primary.

53 (3) For regular general elections, each county legislative body shall provide for the
54 appointment of:

55 (a) (i) three registered voters, or two registered voters and one individual at least 16
56 years of age, from the list to serve as receiving judges for each voting precinct when ballots
57 will be counted after the polls close; or

58 (ii) three registered voters, or two registered voters and one individual at least 16 years

59 of age, from the list to serve as receiving judges in each voting precinct and three registered
 60 voters from the list to serve as counting judges in each voting precinct when ballots will be
 61 counted throughout election day; and

62 (b) three registered voters from the list for each 100 absentee ballots to be counted to
 63 serve as canvassing judges.

64 (4) For regular primary elections and for the Western States Presidential Primary
 65 election, each county legislative body shall provide for the appointment of:

66 (a) (i) two or three registered voters, or one or two registered voters and one [~~person~~ 17
 67 ~~years old who will be 18 years old by the date of the next regular general election~~] individual at
 68 least 16 years of age, from the list to serve as receiving judges for each voting precinct when
 69 ballots will be counted after the polls close; or

70 (ii) two or three registered voters, or one or two registered voters and one [~~person~~ 17
 71 ~~years old who will be 18 years old by the date of the next regular general election~~] individual at
 72 least 16 years of age, from the list to serve as receiving judges in each voting precinct and two
 73 or three registered voters, or one or two registered voters and one [~~person~~] individual 17 years
 74 [~~old~~] of age who will be 18 years [~~old~~] of age by the date of the next regular general election,
 75 from the list to serve as counting judges in each voting precinct when ballots will be counted
 76 throughout election day; and

77 (b) two or three registered voters, or one or two registered voters and one [~~person~~]
 78 individual 17 years [~~old~~] of age who will be 18 years [~~old~~] of age by the date of the next regular
 79 general election, from the list for each 100 absentee ballots to be counted to serve as
 80 canvassing judges.

81 (5) Each county legislative body may provide for the appointment of:

82 (a) three registered voters from the list to serve as inspecting judges at the regular
 83 general election to observe the clerk's receipt and deposit of the ballots for safekeeping; and

84 (b) two or three registered voters, or one or two registered voters and one [~~person~~]
 85 individual 17 years [~~old~~] of age who will be 18 years [~~old~~] of age by the date of the next regular
 86 general election, from the list to serve as inspecting judges at the regular primary election to
 87 observe the clerk's receipt and deposit of the ballots for safekeeping.

88 (6) (a) For each set of three counting or receiving judges to be appointed for each
 89 voting precinct for the regular primary election, the regular general election, and the Western

90 States Presidential Primary election, the county legislative body shall ensure that:

91 (i) two judges are appointed from the political party that cast the highest number of
92 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
93 excluding votes for unopposed candidates, in the voting precinct at the last regular general
94 election before the appointment of the election judges; and

95 (ii) one judge is appointed from the political party that cast the second highest number
96 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
97 excluding votes for unopposed candidates, in the voting precinct at the last regular general
98 election before the appointment of the election judges.

99 (b) For each set of two counting or receiving judges to be appointed for each voting
100 precinct for the regular primary election and Western States Presidential Primary election, the
101 county legislative body shall ensure that:

102 (i) one judge is appointed from the political party that cast the highest number of votes
103 for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding
104 votes for unopposed candidates, in the voting precinct at the last regular general election before
105 the appointment of the election judges; and

106 (ii) one judge is appointed from the political party that cast the second highest number
107 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
108 excluding votes for unopposed candidates, in the voting precinct at the last regular general
109 election before the appointment of the election judges.

110 (7) When the voting precinct boundaries have been changed since the last regular
111 general election, the county legislative body shall ensure that:

112 (a) for the regular primary election and the Western States Presidential Primary
113 election, when the county legislative body is using three receiving, counting, and canvassing
114 judges, and regular general election, not more than two of the judges are selected from the
115 political party that cast the highest number of votes for the offices of governor, lieutenant
116 governor, attorney general, state auditor, and state treasurer in the territory that formed the
117 voting precinct at the time of appointment; and

118 (b) for the regular primary election and the Western States Presidential Primary
119 election, when the county legislative body is using two receiving, counting, and canvassing
120 judges, not more than one of the judges is selected from the political party that cast the highest

121 number of votes for the offices of governor, lieutenant governor, attorney general, state auditor,
122 and state treasurer in the territory that formed the voting precinct at the time of appointment.

123 (8) The county legislative body shall provide for the appointment of any qualified
124 county voter as an election judge when:

- 125 (a) a political party fails to file the poll worker list by the filing deadline; or
- 126 (b) the list is incomplete.

127 (9) A registered voter of the county may serve as a poll worker in any voting precinct
128 of the county.

129 (10) A county legislative body may not appoint a candidate's parent, sibling, spouse,
130 child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or
131 son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.

132 ~~[(10)]~~ (11) If ~~[a person]~~ an individual serves as a poll worker outside the voting
133 precinct where the ~~[person]~~ individual is registered, that ~~[person]~~ individual may vote an
134 absentee voter ballot.

135 ~~[(11)]~~ (12) The county clerk shall fill all poll worker vacancies.

136 ~~[(12)]~~ (13) If a conflict arises over the right to certify the poll worker lists for any
137 political party, the county legislative body may decide between conflicting lists, but may only
138 select names from a properly submitted list.

139 ~~[(13)]~~ (14) The county legislative body shall establish compensation for poll workers.

140 ~~[(14)]~~ (15) The county clerk may appoint additional poll workers to serve in the polling
141 place as needed.

142 Section 2. Section **20A-5-602** is amended to read:

143 **20A-5-602. Poll workers -- Appointment for local elections.**

144 (1) At least 15 days before the date scheduled for any local election, the municipal
145 legislative body or local district board shall appoint or provide for the appointment of:

146 (a) in jurisdictions using paper ballots:

147 (i) ~~three registered voters, or two registered voters and one [person 17 years old who~~
148 ~~will be 18 years old by the date of the regular municipal election]~~ individual at least 16 years of
149 age, who reside within the county to serve as poll workers for each voting precinct when the
150 ballots will be counted after the polls close; or

151 (ii) three registered voters, or two registered voters and one ~~[person 17 years old who~~

152 ~~will be 18 years old by the date of the regular municipal election]~~ individual at least 16 years of
153 age, who reside within the county to serve as receiving judges in each voting precinct and three
154 registered voters, or two registered voters and one [~~person~~] individual 17 years [~~old~~] of age
155 who will be 18 years [~~old~~] of age by the date of the regular municipal election, who reside
156 within the county to serve as counting judges in each voting precinct when ballots will be
157 counted throughout election day;

158 (b) in jurisdictions using automated tabulating equipment, three registered voters, or
159 two registered voters and one [~~person 17 years old who will be 18 years old by the date of the~~
160 ~~regular municipal election]~~ individual at least 16 years of age, who reside within the county to
161 serve as poll workers for each voting precinct;

162 (c) in jurisdictions using voting machines, four registered voters, or three registered
163 voters and one [~~person 17 years old who will be 18 years old by the date of the regular~~
164 ~~municipal election]~~ individual at least 16 years of age, who reside within the county to serve as
165 poll workers for each voting precinct; and

166 (d) in all jurisdictions:

167 (i) at least one registered voter who resides within the county to serve as canvassing
168 judge, if necessary; and

169 (ii) as many alternate poll workers as needed to replace appointed poll workers who are
170 unable to serve.

171 (2) The municipal legislative body and local district board may not appoint any
172 candidate's parent, sibling, spouse, child, [~~or in-law~~] mother-in-law, father-in-law,
173 sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker [~~in the~~
174 ~~voting precinct where the candidate resides]~~ in a precinct where the candidate appears on the
175 ballot.

176 (3) The clerk shall:

177 (a) prepare and file a list containing the name, address, voting precinct, and telephone
178 number of each [~~person~~] individual appointed; and

179 (b) make the list available in the clerk's office for inspection, examination, and copying
180 during business hours.

181 (4) (a) The municipal legislative body and local district board shall compensate poll
182 workers for their services.

183 (b) The municipal legislative body and local district board may not compensate their
184 poll workers at a rate higher than that paid by the county to its poll workers.

185 Section 3. Section 20A-9-601 is amended to read:

186 **20A-9-601. Qualifying as a write-in candidate.**

187 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
188 of candidacy in person, or through a designated agent for a candidate for president or vice
189 president of the United States, with the appropriate filing officer not later than 30 days before
190 the regular general election or:

191 (i) 60 days before a municipal general election in which the person intends to be a
192 write-in candidate[-] in a city of the first, second, third, or fourth class as described in Section
193 10-2-301; or

194 (ii) 30 days before a municipal general election in which the person intends to be a
195 write-in candidate in a city of the fifth class or a town as described in Section 10-2-301.

196 (b) (i) The form of the declaration of candidacy for all offices, except president of the
197 United States, is substantially as follows:

198 "State of Utah, County of ____

199 I, _____, declare my intention of becoming a candidate for the office of
200 ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the
201 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
202 _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will
203 not knowingly violate any law governing campaigns and elections; I will file all campaign
204 financial disclosure reports as required by law; and I understand that failure to do so will result
205 in my disqualification as a candidate for this office and removal of my name from the ballot.
206 The mailing address that I designate for receiving official election notices is

207 _____.

208 _____

209 Subscribed and sworn before me this _____ (month\day\year).

210 Notary Public (or other officer qualified to administer oath)."

211 (ii) The form of the declaration of candidacy for president of the United States is
212 substantially as follows:

213 "State of Utah, County of ____

214 I, _____, declare my intention of becoming a candidate for the office of the
 215 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
 216 the office, both legally and constitutionally, if selected; I reside at _____ in the City
 217 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
 218 any law governing campaigns and elections. The mailing address that I designate for receiving
 219 official election notices is _____. I designate _____ as
 220 my vice presidential candidate.

221 _____

222 Subscribed and sworn before me this _____(month\day\year).

223 Notary Public (or other officer qualified to administer oath.)"

224 (iii) An agent designated to file a declaration of candidacy under Subsection (2) may
 225 not sign the form described in Subsection (1)(b)(i) or (ii).

226 (c) (i) The filing officer shall:

227 (A) read to the candidate the constitutional and statutory requirements for the office;
 228 and

229 (B) ask the candidate whether or not the candidate meets the requirements.

230 (ii) If the candidate cannot meet the requirements of office, the filing officer may not
 231 accept the write-in candidate's declaration of candidacy.

232 (2) Notwithstanding the requirement in Subsection (1) to file a declaration of
 233 candidacy in person, a person may designate an agent to file the declaration of candidacy in
 234 person with the filing officer if:

235 (a) the person is located outside the state during the filing period because:

236 (i) of employment with the state or the United States; or

237 (ii) the person is a member of:

238 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
 239 Coast Guard of the United States who is on active duty;

240 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
 241 commissioned corps of the National Oceanic and Atmospheric Administration of the United
 242 States; or

243 (C) the National Guard on activated status; and

244 (b) the person communicates with the filing officer using an electronic device that

245 allows the person and filing officer to see and hear each other.

246 (3) By November 1 of each regular general election year, the lieutenant governor shall
247 certify to each county clerk the names of all write-in candidates who filed their declaration of
248 candidacy with the lieutenant governor.

Legislative Review Note
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Office of Legislative Research and General Counsel