

Part 1 General Voting Requirements

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

- (1) A person may vote in any regular general election or statewide special election if that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration.
- (2) A person may vote in the Western States Presidential Primary election or a regular primary election if:
 - (a) that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration; and
 - (b) that person's political party affiliation, or unaffiliated status, allows the person to vote in the election.
- (3) A person may vote in a municipal general election, municipal primary, in a local special election, in a local district election, and in a bond election if that person:
 - (a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration; and
 - (b) is a resident of a voting district or precinct within the local entity that is holding the election.

Amended by Chapter 276, 2008 General Session

20A-3-102 Voting by secret ballot.

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each local district election, and at each bond election shall be by secret ballot.

Amended by Chapter 329, 2007 General Session

20A-3-103 Employee's right to time off for election.

- (1)
 - (a) Each employer shall allow any voter to be absent from service or employment on election day for not more than two hours between the time the polls open and close.
 - (b) The voter shall apply for a leave of absence before election day.
 - (c)
 - (i) The employer may specify the hours during which the employee may be absent.
 - (ii) If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.
 - (d) The employer may not deduct from an employee's usual salary or wages because of the absence.
- (2) This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.
- (3) Any employer who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-104 Manner of voting.

- (1)
 - (a) Any registered voter desiring to vote shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.

- (b) The voter shall present valid voter identification to one of the poll workers.
 - (c) If the poll worker is not satisfied that the voter has presented valid voter identification, the poll worker shall:
 - (i) indicate on the official register that the voter was not properly identified;
 - (ii) issue the voter a provisional ballot;
 - (iii) notify the voter that the voter will have until the close of normal office hours on Monday after the day of the election to present valid voter identification:
 - (A) to the county clerk at the county clerk's office; or
 - (B) to an election officer who is administering the election; and
 - (iv) follow the procedures and requirements of Section 20A-3-105.5.
 - (d) If the person's right to vote is challenged as provided in Section 20A-3-202, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.
- (2)
- (a) The poll worker in charge of the official register shall check the official register to determine whether or not a person is registered to vote.
 - (b) If the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.
- (3) If the poll worker determines that the voter is registered and:
- (a) if the ballot is a paper ballot or a ballot sheet:
 - (i) the poll worker in charge of the official register shall:
 - (A) write the ballot number opposite the name of the voter in the official register; and
 - (B) direct the voter to sign the voter's name in the election column in the official register;
 - (ii) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) endorse the poll worker's initials on the stub;
 - (B) check the name of the voter on the pollbook list with the number of the stub;
 - (C) hand the voter a ballot; and
 - (D) allow the voter to enter the voting booth; or
 - (b) if the ballot is an electronic ballot:
 - (i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;
 - (ii) another poll worker shall list the voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) provide the voter access to the electronic ballot; and
 - (B) allow the voter to vote the electronic ballot.
- (4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 197, 2010 General Session

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

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

- (c)
 - (i) The poll worker shall follow the procedures and requirements of Section 20A-3-105.5 if:
 - (A) the poll worker is not satisfied that the voter presented valid voter identification; or
 - (B) the voter's right to vote is challenged under Section 20A-3-202.
 - (ii) The poll worker shall notify a voter casting a provisional ballot under Section 20A-3-105.5 because of failure to present valid voter identification that the voter has until the close of normal office hours on Monday after the day of the election to:
 - (A) present valid voter identification to the county clerk at the county clerk's office; or
 - (B) an election officer who is administering the election.
- (2)
 - (a)
 - (i) If the voter is properly identified, the poll worker in charge of the official register shall check the official register to determine:
 - (A) whether or not the person is registered to vote; and
 - (B) whether or not the voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requested.
 - (ii) If the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."
 - (b)
 - (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.
 - (ii)
 - (A) If it is not unduly disruptive of the election process, the poll worker shall attempt to contact the county clerk's office to request oral verification of the voter's registration.
 - (B) If oral verification is received from the county clerk's office, the poll worker shall:
 - (I) record the verification on the official register;
 - (II) determine the voter's party affiliation and the ballot that the voter is qualified to vote; and
 - (III) perform the other administrative steps required by Subsection (3).
 - (c)
 - (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.
 - (ii)
 - (A) If the voter is listed in the official register as "unaffiliated," or if the official register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."
 - (B) If the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3).
 - (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.

- (3) If the poll worker determines that the voter is registered and eligible, under Subsection (2), to vote the ballot that the voter requested and:
 - (a) if the ballot is a paper ballot or a ballot sheet:
 - (i) the poll worker in charge of the official register shall:
 - (A) write the ballot number and the name of the registered political party whose ballot the voter voted opposite the name of the voter in the official register; and
 - (B) direct the voter to sign the voter's name in the election column in the official register;
 - (ii) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) endorse the voter's initials on the stub;
 - (B) check the name of the voter on the pollbook list with the number of the stub;
 - (C) hand the voter the ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and
 - (D) allow the voter to enter the voting booth; or
 - (b) if the ballot is an electronic ballot:
 - (i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;
 - (ii) another poll worker shall list the voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) provide the voter access to the electronic ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and
 - (B) allow the voter to vote the electronic ballot.
- (4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 335, 2011 General Session

20A-3-105 Marking and depositing ballots.

- (1)
 - (a) If a paper ballot is used, the voter, upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the name of each candidate of the voter's choice for each office to be filled.
 - (b) A mark is not required opposite the name of a write-in candidate.
 - (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the appropriate square with a mark opposite the answer the voter intends to make.
 - (d) Before leaving the booth, the voter shall:
 - (i) fold the ballot so that its contents are concealed and the stub can be removed; and
 - (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope and complete the information printed on the envelope.
- (2)
 - (a)
 - (i) If a punch card ballot is used, the voter shall insert the ballot sheet into the voting device and mark the ballot sheet according to the instructions provided on the device.
 - (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the voter shall record any write-in votes on the long stub.
 - (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record any write-in votes on the secrecy envelope.

- (b) After the voter has marked the ballot sheet, the voter shall either:
 - (i) place the ballot sheet inside the secrecy envelope, if one is provided; or
 - (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.
 - (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.
- (3)
- (a) If a ballot sheet other than a punch card is used, the voter shall mark the ballot sheet according to the instructions provided on the voting device or ballot sheet.
 - (b) The voter shall record a write-in vote by:
 - (i) marking the position opposite the area for entering a write-in candidate; and
 - (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote for by means of:
 - (A) writing;
 - (B) a label; or
 - (C) entering the name using the voting device.
 - (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.
- (4)
- (a) If an electronic ballot is used, the voter shall:
 - (i) insert the ballot access card into the voting device; and
 - (ii) make the selections according to the instructions provided on the device.
 - (b) The voter shall record a write-in vote by:
 - (i) marking the appropriate position opposite the area for entering a write-in candidate; and
 - (ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.
- (5) After preparation of the ballot:
- (a) if a paper ballot or punch card ballot is used:
 - (i) the voter shall:
 - (A) leave the voting booth; and
 - (B) announce his name to the poll worker in charge of the ballot box;
 - (ii) the poll worker in charge of the ballot box shall:
 - (A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;
 - (B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, remove the stub from the ballot; and
 - (C) return the ballot to the voter;
 - (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and
 - (iv) if the stub has been detached from the ballot:
 - (A) the poll worker may not accept the ballot; and
 - (B) the poll worker shall:
 - (I) treat the ballot as a spoiled ballot;
 - (II) provide the voter with a new ballot; and
 - (III) dispose of the spoiled ballot as provided in Section 20A-3-107;
 - (b) if a ballot sheet other than a punch card is used:
 - (i) the voter shall:

- (A) leave the voting booth; and
- (B) announce his name to the poll worker in charge of the ballot box;
- (ii) the poll worker in charge of the ballot box shall:
 - (A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot; and
 - (B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, return the ballot to the voter; and
- (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and
- (c) if an electronic ballot is used, the voter shall:
 - (i) cast the voter's ballot;
 - (ii) remove the ballot access card from the voting device; and
 - (iii) return the ballot access card to a designated poll worker.
- (6) A voter voting a paper ballot in a regular primary election shall, after marking the ballot:
 - (a)
 - (i) if the ballot is designed so that the names of all candidates for all political parties are on the same ballot, detach the part of the paper ballot containing the names of the candidates of the party he has voted from the remainder of the paper ballot;
 - (ii) fold that portion of the paper ballot so that its face is concealed; and
 - (iii) deposit it in the ballot box; and
 - (b)
 - (i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and
 - (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.
- (7)
 - (a) Each voter shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting.
 - (b) A voter may not:
 - (i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;
 - (ii) remain within the voting area more than 10 minutes; or
 - (iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy them.
- (8) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.
- (9) The poll workers may not allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:
 - (a) election officials;
 - (b) watchers; or
 - (c) assisting voters with a disability.

Amended by Chapter 75, 2007 General Session

20A-3-105.5 Manner of voting -- Provisional ballot.

- (1) The poll workers shall follow the procedures and requirements of this section when:
 - (a) the person's right to vote is challenged as provided in Section 20A-3-202 or 20A-3-202.5;
 - (b) the person's name is not found on the official register; or
 - (c) the poll worker is not satisfied that the voter has provided valid voter identification.

- (2) When faced with one of the circumstances outlined in Subsection (1)(a) or (b), the poll worker shall:
 - (a) request that the person provide valid voter identification; and
 - (b) review the identification provided by the person.
- (3) If the poll worker is satisfied that the person has provided valid voter identification that establishes the person's identity and residence in the voting precinct or within the county:
 - (a) the poll worker in charge of the official register shall:
 - (i) record in the official register the type of identification that established the person's identity and place of residence;
 - (ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
 - (iii) direct the voter to sign his name in the election column in the official register;
 - (b) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (c) the poll worker having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) give the voter a ballot and a provisional ballot envelope; and
 - (iv) allow the voter to enter the voting booth.
- (4) If the poll worker is not satisfied that the voter has provided valid voter identification that establishes the person's identity and residence in the voting precinct or within the county:
 - (a) the poll worker in charge of the official register shall:
 - (i) record in the official register that the voter did not provide valid voter identification;
 - (ii) record in the official register the type of identification that was provided by the voter, if any;
 - (iii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
 - (iv) direct the voter to sign his name in the election column in the official register;
 - (b) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (c) the poll worker having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) give the voter a ballot and a provisional ballot envelope; and
 - (iv) allow the voter to enter the voting booth.
- (5) Whenever the election officer is required to furnish more than one kind of official ballot to a voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 390, 2013 General Session

20A-3-106 Voting straight ticket -- Splitting ballot -- Writing in names -- Effect of unnecessary marking of cross.

- (1) When voting a paper ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:
 - (a) mark in the circle or position above that political party;
 - (b) mark in the squares or position opposite the names of all candidates for that party ticket; or
 - (c) make both markings.
- (2)
 - (a) When voting a ballot sheet, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:

- (i) mark the selected party on the straight party page or section; or
- (ii) mark the name of each candidate from that party.
- (b) To vote for candidates from two or more political parties, the voter may:
 - (i) mark in the squares or positions opposite the names of the candidates for whom the voter wishes to vote without marking in any circle; or
 - (ii) indicate the voter's choice by:
 - (A) marking in the circle or position above one political party; and
 - (B) marking in the squares or positions opposite the names of desired candidates who are members of any party, are unaffiliated, or are listed without party name.
- (3)
 - (a) When voting an electronic ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:
 - (i) select that party on the straight party selection area; or
 - (ii) select the name of each candidate from that party.
 - (b) To vote for candidates from two or more political parties, the voter may:
 - (i) select the names of the candidates for whom the voter wishes to vote without selecting a political party in the straight party selection area; or
 - (ii)
 - (A) select a political party in the straight party selection area; and
 - (B) select the names of the candidates for whom the voter wishes to vote who are members of any party, are unaffiliated, or are listed without party name.
- (4) In any election other than a primary election, if a voter voting a ballot has selected or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.
- (5)
 - (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:
 - (i) by entering the name of a valid write-in candidate:
 - (A) by writing the name of a valid write-in candidate in the blank write-in section of the ballot; or
 - (B) by affixing a sticker with the office and name of the valid write-in name printed on it in the blank write-in part of the ballot; and
 - (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's vote.
 - (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person whose name is written or whose sticker appears in the blank write-in part of the ballot, if a mark is made opposite that name.
 - (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on the ticket below the marked circle does not affect the validity of the vote.
- (6) The voter may cast a write-in vote on an electronic ballot by:
 - (a) marking the appropriate position opposite the area for entering a write-in candidate for the office sought by the candidate for whom the voter wishes to vote; and
 - (b) entering the name of a valid write-in candidate in the write-in selection area.

Amended by Chapter 296, 2015 General Session

20A-3-107 No ballots may be taken away -- Spoiled ballots.

- (1) A person may not take or remove any ballot from the polling place before the close of the polls.

- (2) If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.
- (3) If any ballot is spoiled by the printer or a poll worker, the poll worker shall give the voter a new ballot.
- (4) The poll worker shall:
 - (a) immediately write the word "spoiled" across the face of the ballot; and
 - (b) place the ballot in the envelope for spoiled ballots.

Amended by Chapter 75, 2007 General Session

20A-3-108 Assisting disabled, illiterate, or blind voters.

- (1) Any voter who has a disability, or is blind, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by a person of the voter's choice.
- (2) The person providing assistance may not be:
 - (a) the voter's employer;
 - (b) an agent of the employer;
 - (c) an officer or agent of the voter's union; or
 - (d) a candidate.
- (3) The person providing assistance may not request, persuade, or otherwise induce the voter to vote for or vote against any particular candidate or issue or release any information regarding the voter's selection.
- (4) Each time a voter is assisted, the poll worker shall note that fact in the official register and the pollbook.

Amended by Chapter 366, 2011 General Session

20A-3-109 Instructions to voters.

- (1) If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two poll workers, each from a different political party, shall instruct the voter.
- (2) After instructing the voter, and before the voter has cast his vote, the poll worker shall leave the voting booth so that the voter may vote in secret.
- (3) A poll worker instructing a voter about the voting process may not request, suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any particular candidate, or for or against any ballot proposition.

Amended by Chapter 75, 2007 General Session