

## Part 6 Poll Workers

### **20A-5-601 Poll workers -- Appointment for regular general elections, primary elections, and special elections.**

- (1)
  - (a) By March 1 of each even-numbered year, each county clerk shall provide to the county chair of each registered political party a list of the number of poll workers that the party must nominate for each voting precinct.
  - (b)
    - (i) By April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the county clerk containing, for each voting precinct, the names of individuals in the county who are willing to serve as poll workers, who are qualified to serve as poll workers in accordance with this section, and who are competent and trustworthy.
    - (ii) The county chair and secretary shall submit, for each voting precinct, names equal in number to the number required by the county clerk plus one.
- (2) Each county legislative body shall provide for the appointment of individuals to serve as poll workers at the regular primary election, the regular general election, the Western States Presidential Primary, and a statewide or countywide special election.
- (3) For regular general elections and statewide or countywide special elections, each county legislative body shall provide for the appointment of:
  - (a)
    - (i) three registered voters, or one individual who is 16 or 17 years of age and two registered voters, one of whom is at least 21 years of age, from the list to serve as receiving judges for each voting precinct when ballots will be counted after the polls close; or
    - (ii) three registered voters, or one individual who is 16 or 17 years of age and two registered voters, one of whom is at least 21 years of age, from the list to serve as receiving judges in each voting precinct and three registered voters from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and
  - (b) three registered voters from the list for each 100 absentee ballots to be counted to serve as canvassing judges.
- (4) For each precinct in which ballots are counted after the polls close, in a regular primary election and for the Western States Presidential Primary election, each county legislative body shall provide for the appointment of two or three individuals from the list to serve as receiving judges:
  - (a) each of whom is a registered voter; or
  - (b)
    - (i) the first of whom is a registered voter and is at least 21 years of age;
    - (ii) the second of whom is 16 or 17 years of age; and
    - (iii) if three individuals are appointed, the third of whom is a registered voter.
- (5) For each precinct in which ballots are counted throughout election day, in a regular primary election and for the Western States Presidential Primary election, each county legislative body shall provide for the appointment of:
  - (a) two or three individuals from the list to serve as receiving judges:
    - (i) each of whom is a registered voter; or
    - (ii)
      - (A) the first of whom is a registered voter and is at least 21 years of age;

- (B) the second of whom is 16 or 17 years of age; and
- (C) if three individuals are appointed, the third of whom is a registered voter; and
- (b) two or three individuals from the list to serve as counting judges:
  - (i) each of whom is a registered voter; or
  - (ii)
    - (A) one of whom is 17 years of age and will be 18 years of age by the date of the next regular general election; and
    - (B) each of the rest of whom is a registered voter; and
- (c) two or three registered voters, or one or two registered voters and one individual 17 years of age who will be 18 years of age by the date of the next regular general election, from the list for each 100 absentee ballots to be counted to serve as canvassing judges.
- (6) Each county legislative body may provide for the appointment of:
  - (a) three registered voters from the list to serve as inspecting judges at the regular general election, or a statewide or countywide special election, to observe the clerk's receipt and deposit of the ballots for safekeeping; and
  - (b) two or three registered voters, or one or two registered voters and one individual 17 years of age who will be 18 years of age by the date of the next regular general election, from the list to serve as inspecting judges at the regular primary election to observe the clerk's receipt and deposit of the ballots for safekeeping.
- (7)
  - (a) For each set of three counting or receiving judges to be appointed for each voting precinct for the regular primary election, the regular general election, the Western States Presidential Primary election, or a statewide or countywide special election, the county legislative body shall ensure that:
    - (i) two judges are appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and
    - (ii) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges.
  - (b) For each set of two counting or receiving judges to be appointed for each voting precinct for the regular primary election and Western States Presidential Primary election, the county legislative body shall ensure that:
    - (i) one judge is appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and
    - (ii) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges.
- (8) When the voting precinct boundaries have been changed since the last regular general election, the county legislative body shall ensure that:
  - (a) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using three receiving, counting, and canvassing judges, and regular general election, not more than two of the judges are selected from the political party

- that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment; and
- (b) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using two receiving, counting, and canvassing judges, not more than one of the judges is selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment.
- (9) The county legislative body shall provide for the appointment of any qualified county voter as an election judge when:
- (a) a political party fails to file the poll worker list by the filing deadline; or
  - (b) the list is incomplete.
- (10) A registered voter of the county may serve as a poll worker in any voting precinct of the county.
- (11) A county legislative body may not appoint a candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.
- (12) If an individual serves as a poll worker outside the voting precinct where the individual is registered, that individual may vote an absentee voter ballot.
- (13) The county clerk shall fill all poll worker vacancies.
- (14) If a conflict arises over the right to certify the poll worker lists for any political party, the county legislative body may decide between conflicting lists, but may only select names from a properly submitted list.
- (15) The county legislative body shall establish compensation for poll workers.
- (16) The county clerk may appoint additional poll workers to serve in the polling place as needed.

Amended by Chapter 31, 2014 General Session

Amended by Chapter 391, 2014 General Session

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

- (1) A county legislative body, a municipal legislative body, or a local district board appointing, or providing for the appointment of, a poll worker for a local election under this section shall appoint the poll worker at least 15 days before the date of the local election.
- (2) For each precinct that uses a paper ballot, and where the ballots are counted after the polls close, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:
  - (a) each of whom is a registered voter; or
  - (b)
    - (i) the first of whom is a registered voter;
    - (ii) the second of whom is a registered voter and is at least 21 years of age; and
    - (iii) the third of whom is 16 or 17 years of age.
- (3) For each precinct that uses a paper ballot, and where the ballots are counted throughout the day, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of:
  - (a) three individuals who reside within the county to serve as receiving judges:
    - (i) each of whom is a registered voter; or
    - (ii)

- (A) the first of whom is a registered voter;
  - (B) the second of whom is a registered voter and is at least 21 years of age; and
  - (C) the third of whom is 16 or 17 years of age; and
- (b) three individuals who reside within the county to serve as counting judges:
- (i) each of whom is a registered voter; or
  - (ii)
    - (A) one of whom is 17 years of age and will be 18 years of age by the date of the next local election; and
    - (B) each of the rest of whom is a registered voter.
- (4) For each precinct using automated tabulating equipment, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:
- (a) each of whom is a registered voter; or
  - (b)
    - (i) the first of whom is a registered voter;
    - (ii) the second of whom is a registered voter and is at least 21 years of age; and
    - (iii) the third of whom is 16 or 17 years of age.
- (5) For each precinct using voting machines, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, four individuals who reside within the county to serve as poll workers:
- (a) each of whom is a registered voter; or
  - (b)
    - (i) the first of whom is a registered voter and is at least 21 years of age;
    - (ii) the second of whom is 16 or 17 years of age; and
    - (iii) each of the rest of whom is a registered voter.
- (6) In all jurisdictions, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of:
- (a) at least one registered voter who resides within the county to serve as canvassing judge, if necessary; and
  - (b) as many alternate poll workers as needed to replace appointed poll workers who are unable to serve.
- (7) The county legislative body, the municipal legislative body, and the local district board may not appoint any candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.
- (8) The clerk shall:
- (a) prepare and file a list containing the name, address, voting precinct, and telephone number of each individual appointed; and
  - (b) make the list available in the clerk's office for inspection, examination, and copying during business hours.
- (9)
- (a) The county legislative body, the municipal legislative body, and the local district board shall compensate poll workers for their services.
  - (b) The municipal legislative body and local district board may not compensate their poll workers at a rate higher than that paid by the county to its poll workers.

Amended by Chapter 31, 2014 General Session

Amended by Chapter 31, 2014 General Session, (Coordination Clause)

Amended by Chapter 391, 2014 General Session

**20A-5-603 Vacancies -- Removal of poll workers.**

- (1)
  - (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall immediately notify the election officer, who shall fill the vacancy as provided in this section.
  - (b) The election officer may fill a vacancy occurring under this section by appointing the alternate to serve or, if that is impossible, by appointing some other qualified person to fill the vacancy.
- (2) The election officer shall summarily remove any poll worker who:
  - (a) neglects his duty;
  - (b) commits or encourages fraud in connection with any election;
  - (c) violates any election law;
  - (d) knowingly permits any person to violate any election law;
  - (e) has been convicted of a felony;
  - (f) commits any act that interferes or tends to interfere with a fair and honest election; or
  - (g) is incapable of performing the duties of a poll worker.

Amended by Chapter 75, 2007 General Session

**20A-5-604 Receipt of ballots by poll workers.**

- (1) The poll worker who receives official or substitute ballots from the election officer shall:
  - (a) sign a receipt for them and file it with the election officer; and
  - (b) produce the packages in the proper polling place with the seals unbroken.
- (2) If the poll worker receives packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll worker shall produce the packages of substitute ballots in the proper polling place with the seals unbroken.

Amended by Chapter 75, 2007 General Session

**20A-5-605 Duties of poll workers.**

- (1) Poll workers shall:
  - (a) arrive at the polling place at a time determined by the election officer; and
  - (b) remain until the official election returns are prepared for delivery.
- (2) The election officer may designate:
  - (a) certain poll workers to act as election judges;
  - (b) an election judge to act as the presiding election judge; and
  - (c) certain poll workers to act as clerks.
- (3) Upon their arrival to open the polls, the poll workers shall:
  - (a) if the election officer has not designated which poll workers at a polling place are assigned to act as election judges, as presiding election judge, or as clerks:
    - (i) designate two poll workers to act as election judges as necessary;
    - (ii) determine which election judge shall preside as necessary; and
    - (iii) determine which poll workers shall act as clerks as necessary;
  - (b) select one or more of their number to deliver the election returns to the election officer or to the place that the election officer designates;
  - (c) display the United States flag;

- (d) examine the voting devices to see that they are in proper working order and that security devices have not been tampered with;
  - (e) place the voting devices, voting booths, and the ballot box in plain view of those poll workers and watchers that are present;
  - (f) for paper ballots and ballot sheets, open the ballot packages in the presence of all the poll workers;
  - (g) check the ballots, supplies, records, and forms;
  - (h) if directed to do so by the election officer:
    - (i) make any necessary corrections to the official ballots before they are distributed at the polls; and
    - (ii) post any necessary notice of errors in electronic ballots before voting commences;
  - (i) post the sample ballots, instructions to voters, and constitutional amendments, if any; and
  - (j) open the ballot box in the presence of those assembled, turn it upside down to empty it of anything, and then, immediately before polls open, lock it, or if locks and keys are not available, tape it securely.
- (4)
- (a) If any poll worker fails to appear on the morning of the election, or fails or refuses to act:
    - (i) at least six qualified electors from the voting precinct who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified person from the voting precinct who is a member of the same political party as the poll worker who is being replaced to act as a poll worker; or
    - (ii) the election officer shall appoint a qualified person to act as a poll worker.
  - (b) If a majority of the poll workers are present, they shall open the polls, even though a poll worker has not arrived.
- (5)
- (a) If it is impossible or inconvenient to hold an election at the polling place designated, the poll workers, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.
  - (b) If the poll workers move to a new polling place, they shall display a proclamation of the change and station a peace officer or some other proper person at the original polling place to notify voters of the location of the new polling place.
- (6) If the poll worker who received delivery of the ballots produces packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll workers shall use those substitute ballots as the official election ballots.
- (7) If, for any reason, none of the official or substitute ballots are ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot, until substitutes prepared by the election officer are printed and delivered.
- (8) When it is time to open the polls, one of the poll workers shall announce that the polls are open as required by Section 20A-1-302, or in the case of early voting, Section 20A-3-602.
- (9)
- (a) The poll workers shall comply with the voting procedures and requirements of Title 20A, Chapter 3, Voting, in allowing people to vote.
  - (b) The poll workers may not allow any person, other than election officials and those admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

- (c) Besides the poll workers and watchers, the poll workers may not allow more than four voters in excess of the number of voting booths provided within six feet of voting devices, voting booths, and the ballot box.
- (d) If necessary, the poll workers shall instruct each voter about how to operate the voting device before the voter enters the voting booth.
- (e)
  - (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.
  - (ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political parties.

Amended by Chapter 75, 2007 General Session

**20A-5-606 Closing the polls -- Preparation and delivery of election returns.**

The election judges shall close the polls and prepare and deliver the election returns as provided in Chapter 4, Election Returns and Election Contests.

Amended by Chapter 2, 1994 General Session