

**PROCESS FOR CLOSED PRIMARY**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Loraine T. Pace**

AN ACT RELATING TO ELECTIONS; ESTABLISHING PROCESSES FOR REGISTERED POLITICAL PARTIES TO REQUEST AN OPEN PRIMARY ELECTION; ESTABLISHING PROCESSES FOR IDENTIFYING, DECLARING, RECORDING, AND CHANGING PARTY AFFILIATION; PROVIDING DIRECTION FOR BALLOT FORM AND ADMINISTRATION OF THE ELECTION; MAKING TECHNICAL CORRECTIONS AND CONFORMING CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**20A-1-102**, as last amended by Chapters 21, 22 and 45, Laws of Utah 1999

**20A-2-104**, as last amended by Chapter 48, Laws of Utah 1999

**20A-2-107**, as last amended by Chapter 213, Laws of Utah 1996

**20A-3-101**, as last amended by Chapter 22, Laws of Utah 1999

**20A-3-202**, as last amended by Chapter 266, Laws of Utah 1998

**20A-3-304**, as last amended by Chapters 22 and 253, Laws of Utah 1999

**20A-5-102**, as last amended by Chapter 21, Laws of Utah 1994

**20A-9-403**, as last amended by Chapters 24, 182 and 184, Laws of Utah 1997

**20A-9-404**, as last amended by Chapter 56, Laws of Utah 1999

ENACTS:

**20A-2-107.1**, Utah Code Annotated 1953

**20A-3-104.5**, Utah Code Annotated 1953

**20A-6-203**, Utah Code Annotated 1953

**20A-6-401.1**, Utah Code Annotated 1953

**63-55b-120**, Utah Code Annotated 1953

**\*HB0044\***

28 REPEALS:

29           **20A-6-201**, as enacted by Chapter 2, Laws of Utah 1994

30           **20A-6-202**, as enacted by Chapter 2, Laws of Utah 1994

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

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

33           **20A-1-102. Definitions.**

34           As used in this title:

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

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

39           (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his  
40 votes and includes ballot cards, paper ballots, and secrecy envelopes.

41           (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

42           (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain  
43 the names of offices and candidates and statements of ballot propositions to be voted on and which  
44 are used in conjunction with ballot cards.

45           (6) "Ballot proposition" means opinion questions specifically authorized by the  
46 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that  
47 are submitted to the voters for their approval or rejection.

48           (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
49 20A-4-306 to canvass election returns.

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

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

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

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

58           (12) "Canvassing judge" means an election judge designated to assist in counting ballots

59 at the canvass.

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

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

64 (15) "Counting judge" means a judge designated to count the ballots during election day.

65 (16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201  
66 to witness the counting of ballots.

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

70 (18) "County executive" means:

71 (a) the county commission in the traditional form of government established by Section  
72 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

73 (b) the county executive in the county executive and chief administrative officer-council  
74 optional form of government authorized by Section 17-35a-501;

75 (c) the county executive in the county executive-council optional form of government  
76 authorized by Section 17-35a-502;

77 (d) the county council in the council-manager optional form of government authorized by  
78 Section 17-35a-503; and

79 (e) the county council in the council-county administrative officer optional form of  
80 government authorized by Section 17-35a-504.

81 (19) "County legislative body" means:

82 (a) the county commission in the traditional form of government established by Section  
83 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

84 (b) the county council in the county executive and chief administrative officer-council  
85 optional form of government authorized by Section 17-35a-501;

86 (c) the county council in the county executive-council optional form of government  
87 authorized by Section 17-35a-502;

88 (d) the county council in the council-manager optional form of government authorized by  
89 Section 17-35a-503; and

90 (e) the county council in the council-county administrative officer optional form of  
91 government authorized by Section 17-35a-504.

92 (20) "County officers" means those county officers that are required by law to be elected.

93 (21) "Election" means a regular general election, a municipal general election, a statewide  
94 special election, a local special election, a regular primary election, a municipal primary election,  
95 and a special district election.

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

98 (23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

99 (24) "Election officer" means:

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

101 (b) the county clerk or clerks for all county ballots and for certain special district and  
102 school district ballots as provided in Section 20A-5-400.5;

103 (c) the municipal clerk for all municipal ballots and for certain special district and school  
104 district ballots as provided in Section 20A-5-400.5; and

105 (d) the special district clerk or chief executive officer for all special district ballots that are  
106 not part of a statewide, county, or municipal ballot.

107 (25) "Election official" means any election officer, election judge, or satellite registrar.

108 (26) "Election returns" includes the pollbook, all affidavits of registration, the military and  
109 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed  
110 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the  
111 ballot disposition form, and the total votes cast form.

112 (27) "Electronic voting system" means a system in which a voting device is used in  
113 conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic  
114 tabulating equipment.

115 (28) "Inactive voter" means a registered voter who has been sent the notice required by  
116 Section 20A-2-306 and who has failed to respond to that notice.

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

119 (30) "Judicial office" means the office filled by any judicial officer.

120 (31) "Judicial officer" means any justice or judge of a court of record or any county court

121 judge.

122 (32) "Local election" means a regular municipal election, a local special election, a special  
123 district election, and a bond election.

124 (33) "Local political subdivision" means a county, a municipality, a special district, or a  
125 local school district.

126 (34) "Local special election" means a special election called by the governing body of a  
127 local political subdivision in which all registered voters of the local political subdivision may vote.

128 (35) "Municipal executive" means:

129 (a) the city commission, city council, or town council in the traditional management  
130 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

131 (b) the mayor in the council-mayor optional form of government defined in Section  
132 10-3-1209; and

133 (c) the manager in the council-manager optional form of government defined in Section  
134 10-3-1209.

135 (36) "Municipal general election" means the election held in municipalities and special  
136 districts on the first Tuesday after the first Monday in November of each odd-numbered year for  
137 the purposes established in Section 20A-1-202.

138 (37) "Municipal legislative body" means:

139 (a) the city commission, city council, or town council in the traditional management  
140 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

141 (b) the municipal council in the council-mayor optional form of government defined in  
142 Section 10-3-1209; and

143 (c) the municipal council in the council-manager optional form of government defined in  
144 Section 10-3-1209.

145 (38) "Municipal officers" means those municipal officers that are required by law to be  
146 elected.

147 (39) "Municipal primary election" means an election held to nominate candidates for  
148 municipal office.

149 (40) "Official ballot" means the ballots distributed by the election officer to the election  
150 judges to be given to voters to record their votes.

151 (41) "Official endorsement" means:

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

153 (i) the ballot as an official ballot;

154 (ii) the date of the election; and

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

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

157 (i) the election judge's initials; and

158 (ii) the ballot number.

159 (42) "Official register" means the book furnished election officials by the election officer

160 that contains the information required by Section 20A-5-401.

161 (43) "Paper ballot" means a paper that contains:

162 (a) the names of offices and candidates and statements of ballot propositions to be voted  
163 on; and

164 (b) spaces for the voter to record his vote for each office and for or against each ballot  
165 proposition.

166 (44) "Political party" means an organization of registered voters that has qualified to  
167 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party  
168 Formation and Procedures.

169 (45) "Polling place" means the building where residents of a voting precinct vote.

170 (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in  
171 which the voter marks his choice.

172 (47) "Posting list" means a list of registered voters within a voting precinct.

173 (48) "Primary convention" means the political party conventions at which nominees for  
174 the regular primary election are selected.

175 (49) "Protective counter" means a separate counter, which cannot be reset, that is built into  
176 a voting machine and records the total number of movements of the operating lever.

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

179 (51) "Receiving judge" means the election judge that checks the voter's name in the official  
180 register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter  
181 has voted.

182 (52) "Registration days" means the days designated in Section 20A-2-203 when a voter

183 may register to vote with a satellite registrar.

184 (53) "Registration form" means a book voter registration form and a by-mail voter  
185 registration form.

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

189 (55) "Regular primary election" means the election on the fourth Tuesday of June of each  
190 even-numbered year, at which candidates of political parties and nonpolitical groups are voted for  
191 nomination.

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

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

195 (58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register  
196 voters and perform other duties.

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

199 (60) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
200 which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's  
201 vote.

202 (61) "Special district" means those local government entities created under the authority  
203 of Title 17A.

204 (62) "Special district officers" means those special district officers that are required by law  
205 to be elected.

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

207 (64) "Spoiled ballot" means each ballot that:

208 (a) is spoiled by the voter;

209 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

210 (c) lacks the official endorsement.

211 (65) "Statewide special election" means a special election called by the governor or the  
212 Legislature in which all registered voters in Utah may vote.

213 (66) "Stub" means the detachable part of each ballot.

214 (67) "Substitute ballots" means replacement ballots provided by an election officer to the  
215 election judges when the official ballots are lost or stolen.

216 (68) "Ticket" means each list of candidates for each political party or for each group of  
217 petitioners.

218 (69) "Transfer case" means the sealed box used to transport voted ballots to the counting  
219 center.

220 (70) "Vacancy" means the absence of a person to serve in any position created by statute,  
221 whether that absence occurs because of death, disability, disqualification, resignation, or other  
222 cause.

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

225 (72) "Voter" means a person who meets the requirements for voting in an election, meets  
226 the requirements of election registration [and], is registered to vote, and is listed in the official  
227 register book.

228 (73) "Voting area" means the area within six feet of the voting booths, voting machines,  
229 and ballot box.

230 (74) "Voting booth" means the space or compartment within a polling place that is  
231 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

232 (75) "Voting device" means:

233 (a) an apparatus in which ballot cards are used in connection with a punch device for  
234 piercing the ballots by the voter;

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

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

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

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

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

244 (79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting



245 poll watcher.

246 (80) "Western States Presidential Primary" means the election established in Title 20A,  
247 Chapter 9, Part 8.

248 (81) "Write-in ballot" means a ballot containing any write-in votes.

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

251 Section 2. Section **20A-2-104** is amended to read:

252 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

253 (1) (a) Every person applying to be registered shall complete a registration form printed  
254 in substantially the following form:

255 -----

256 UTAH ELECTION REGISTRATION FORM

257 Name of Voter \_\_\_\_\_

258 First Middle Last

259 Driver License or Identification Card Number (optional) \_\_\_\_\_

260 Date of Birth \_\_\_\_\_

261 Street Address of Principal Place of Residence \_\_\_\_\_

262 \_\_\_\_\_

263 City County State Zip Code

264 Telephone Number (optional) \_\_\_\_\_

265 Last four digits of Social Security Number (optional) \_\_\_\_\_

266 Place of Birth \_\_\_\_\_

267 Last former address at which I was registered to vote (if known)

268 \_\_\_\_\_

269 City County State Zip Code

270 \_\_\_\_\_

271 Voting Precinct (if known)

272 Political Party [(optional) \_\_\_\_\_]

273 American Democrat Green Independent American Libertarian Natural Law

274 Reform Populist Republican Socialist Workers Unaffiliated (no political party  
275 preference)

276 Other (Please specify) \_\_\_\_\_

277 I do swear (or affirm), subject to penalty of law for false statements, that the information  
278 contained in this form is true, and that I am a citizen of the United States and a resident of the state  
279 of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah  
280 for 30 days immediately before the next election. I am not a convicted felon currently incarcerated  
281 for commission of a felony.

282 Signed and sworn

283 \_\_\_\_\_

284 Voter's Signature

285 Date \_\_\_\_\_, [~~19~~] 20 \_\_\_\_\_.

286 NOTICE: IN ORDER TO VOTE, YOUR NAME MUST APPEAR IN THE OFFICIAL  
287 REGISTER.

288 FOR OFFICIAL USE ONLY

289 Voting Precinct \_\_\_\_\_

290 Voting I.D. Number \_\_\_\_\_

291 -----

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292 (b) The lieutenant governor, after consulting with the county clerks, may direct additional  
293 changes to the voter registration form when necessary to provide information to persons registering  
294 to vote or to facilitate election administration.

295 (2) The county clerk shall retain a copy in a permanent countywide alphabetical file, which  
296 may be electronic or some other recognized system.

297 (3) (a) Each county clerk shall retain lists of currently registered voters.

298 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

299 (c) If there are any discrepancies between the two lists, the county clerk's list is the official  
300 list.

301 (d) The lieutenant governor and the county clerks may charge the fees established under  
302 the authority of Subsection 63-2-203(10) to individuals who wish to obtain a copy of the list of  
303 registered voters.

304 (4) When political parties not listed on the voter registration form qualify as registered  
305 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the  
306 lieutenant governor shall inform the county clerks about the name of the new political party and

307 direct the county clerks to ensure that the voter registration form is modified to include that  
308 political party.

309 Section 3. Section **20A-2-107** is amended to read:

310 **20A-2-107. Designating or changing party affiliation.**

311 (1) For each person who registers to vote on or after May 1, 2000, the county clerk shall:

312 (a) record the party affiliation designated by the voter on the voter registration form as the  
313 voter's party affiliation; or

314 (b) if no political party affiliation is designated by the voter on the voter registration form,  
315 record the voter's party affiliation as "unaffiliated."

316 ~~[(1)]~~ (2) (a) Any registered voter may designate or change the voter's political party  
317 affiliation by complying with the procedures and requirements of this [section] Subsection (2).

318 ~~[(2)]~~ (b) Except for the 20 days immediately before a regular primary election, any  
319 registered voter may designate or change the voter's political party affiliation by filing a signed  
320 form with the county clerk that identifies the registered political party with which the voter chooses  
321 to affiliate.

322 Section 4. Section **20A-2-107.1** is enacted to read:

323 **20A-2-107.1. Designating or changing party affiliation -- June 2002 primary.**

324 (1) At the primary election held June 24, 2002:

325 (a) each county clerk shall provide change of party affiliation forms to the election judges  
326 for each voting precinct within the county;

327 (b) any registered voter who is classified as "unaffiliated" may affiliate with a political  
328 party by completing the form and giving it to the election judge.

329 (2) An unaffiliated voter who affiliates with a political party as provided in Subsection  
330 (1)(b) may vote in that party's primary election on June 24, 2002.

331 (3) This section is repealed July 1, 2002.

332 Section 5. Section **20A-3-101** is amended to read:

333 **20A-3-101. Residency and age requirements of voters.**

334 (1) A person may vote in any regular general election~~[-]~~ or statewide special ~~[election, and~~  
335 ~~statewide primary]~~ election if that person:

336 (a) is a citizen of the United States;

337 (b) is a resident of Utah;

- 338 (c) will, on the date of that election:
- 339 (i) be at least 18 years old; and
- 340 (ii) have been a resident of Utah for 30 days immediately before that election; and
- 341 (d) has registered to vote.
- 342 (2) A person may vote in the Western States Presidential Primary election or a regular
- 343 primary election if that person:
- 344 (a) is a citizen of the United States;
- 345 (b) is a resident of Utah;
- 346 (c) will, on the date of that election:
- 347 (i) be at least 18 years old; and
- 348 (ii) have been a resident of Utah for 30 days immediately before that election;
- 349 (d) has registered to vote; and
- 350 (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in the
- 351 election.
- 352 (3) A person may vote in a municipal general election, municipal primary, in a local
- 353 special election, in a special district election, and in a bond election if that person:
- 354 (a) is a citizen of the United States;
- 355 (b) is a resident of Utah;
- 356 (c) is a resident of the local entity that is holding the election;
- 357 (d) will, on the date of the election:
- 358 (i) be at least 18 years old; and
- 359 (ii) have been a resident of Utah for 30 days immediately before the election; and
- 360 (e) has registered to vote.
- 361 (4) If, as of the date of any election, a person has not resided within the voting precinct for
- 362 at least 20 days or has not registered to vote in that voting precinct, the person may vote at the
- 363 voting precinct in which he resided before he moved to the new voting precinct if:
- 364 (a) the person is legally registered in that voting precinct; and
- 365 (b) that voting precinct is in the same county and congressional district as the person's new
- 366 voting precinct.
- 367 Section 6. Section **20A-3-104.5** is enacted to read:
- 368 **20A-3-104.5. Voting -- Regular primary election.**

369 (1) (a) Any registered voter desiring to vote at the regular primary election shall give his  
370 name, the name of the registered political party whose ballot the voter wishes to vote, and, if  
371 requested, his residence, to one of the election judges.

372 (b) If an election judge does not know the person requesting a ballot and has reason to  
373 doubt that person's identity, the judge shall request identification or have the voter identified by  
374 a known registered voter of the district.

375 (c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a  
376 ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

377 (2) (a) (i) When the voter is properly identified, the election judge in charge of the official  
378 register shall check the official register to determine:

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

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

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

385 (b) (i) If the voter's name is not found on the official register and, if it is not unduly  
386 disruptive of the election process, the election judge shall attempt to contact the county clerk's  
387 office to request oral verification of the voter's registration.

388 (ii) If oral verification is received from the county clerk's office, the judge shall record the  
389 verification on the official register, determine the voter's party affiliation and the ballot that the  
390 voter is qualified to vote, and 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 affiliation  
392 listed in the official register does not allow the voter to vote the ballot that the voter requested, the  
393 election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that  
394 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 register  
396 does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered  
397 political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the  
398 voter requests, the election judge shall ask the voter if the voter wishes to vote another registered  
399 political party ballot that the voter, as "unaffiliated" is authorized to vote, or remain "unaffiliated."

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

402 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that  
403 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter  
404 may not vote.

405 (iii) For the primary election held June 24, 2002, only:

406 (A) if the voter is listed in the official register as "unaffiliated," or if the official register  
407 does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a registered  
408 political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the  
409 voter requests, the election judge shall ask the voter if the voter wishes to affiliate with the  
410 registered political party whose ballot the voter requested, vote another registered political party  
411 ballot that the voter, as "unaffiliated" is authorized to vote, or remain "unaffiliated."

412 (B) If the voter wishes to affiliate with the registered political party whose ballot the voter  
413 requested, the election judge shall direct the voter to complete the change of party affiliation form  
414 and proceed as required by Subsection (3).

415 (C) If the voter wishes to vote another registered political party ballot that the unaffiliated  
416 voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

417 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that  
418 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter  
419 may not vote.

420 (3) If the election judge determines that the voter is registered and eligible, under  
421 Subsection (2), to vote the ballot that the voter requested:

422 (a) the election judge in charge of the official register shall:

423 (i) write the ballot number and the name of the registered political party whose ballot the  
424 voter voted opposite the name of the voter in the official register; and

425 (ii) direct the voter to sign his name in the election column in the official register;

426 (b) another judge shall list the ballot number and voter's name in the pollbook; and

427 (c) the election judge having charge of the ballots shall:

428 (i) endorse his initials on the stub;

429 (ii) check the name of the voter on the pollbook list with the number of the stub;

430 (iii) hand the voter the ballot for the registered political party that the voter requested and

431 for which the voter is authorized to vote; and

432 (iv) allow the voter to enter the voting booth.

433 (4) Whenever the election officer is required to furnish more than one kind of official

434 ballot to the voting precinct, the election judges of that voting precinct shall give the registered

435 voter the kind of ballot that the voter is qualified to vote.

436 Section 7. Section **20A-3-202** is amended to read:

437 **20A-3-202. Challenges -- Recorded in official register and in pollbook.**

438 (1) (a) When any person applies for a ballot or when a person offers a ballot for deposit  
439 in the ballot box, the person's right to vote in that voting precinct and in that election may be orally  
440 challenged by an election judge or any challenger orally stating the challenged voter's name and  
441 the basis for the challenge.

442 (b) A person may challenge another person's right to vote by alleging that:

443 (i) the voter is not the person whose name appears in the official register and under which  
444 name the right to vote is claimed;

445 (ii) the voter is not a resident of Utah;

446 (iii) the voter is not a citizen of the United States;

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

449 (v) the voter does not live in the voting precinct;

450 (vi) the voter does not live within the geographic boundaries of the entity holding the  
451 election;

452 (vii) the voter's principal place of residence is not in the voting precinct;

453 (viii) the voter's principal place of residence is not in the geographic boundaries of the  
454 election area;

455 (ix) the voter has voted before in the election;

456 (x) the voter is not at least 18 years old;

457 (xi) the voter is involuntarily confined or incarcerated in jail or prison and was not a  
458 resident of the entity holding the election before the voter was confined or incarcerated; [or]

459 (xii) the voter is a convicted felon and is incarcerated for the commission of a felony; or

460 (xiii) in a regular primary election, the voter does not meet the political party affiliation

461 criteria established by the political party whose ballot the voter seeks to vote.

462 (2) (a) The election judges shall give the voter a ballot and allow the voter to vote if:

463 (i) the person challenged signs a written affidavit certifying that he meets all the  
464 requirements for voting; and

465 (ii) the election judge determines that the person challenged is registered to vote and, in  
466 a regular primary election, meets the political party affiliation criteria established by the political  
467 party whose ballot the voter seeks to vote.

468 (b) The election judges may not give the voter a ballot or allow the voter to vote if:

469 (i) the person challenged refuses to sign the written affidavit; [or]

470 (ii) the election judge determines that the person challenged is not registered to vote; or

471 (iii) in a regular primary election, the election judge determines that the person challenged  
472 does not meet the political party affiliation criteria established by the political party whose ballot  
473 the voter seeks to vote and is unwilling or unable to take the steps authorized by law to comply  
474 with those criteria.

475 (c) (i) It is unlawful for any person to sign an affidavit certifying that he meets all the  
476 requirements for voting when that person knows he does not meet at least one of those  
477 requirements.

478 (ii) Any person who violates this Subsection (2)(c) is guilty of a class B misdemeanor.

479 (3) (a) Any person may challenge the right to vote of any person whose name appears on  
480 the posting list by filing a written signed statement identifying the challenged voter's name and the  
481 basis for the challenge with the county clerk on the Friday before the election during regular  
482 business hours.

483 (b) The person challenging a person's right to vote shall allege one or more of the grounds  
484 established in Subsection (1)(b) as the basis for the challenge.

485 (c) The county clerk shall:

486 (i) carefully preserve the written challenges;

487 (ii) write in the appropriate official register opposite the name of any person for whom the  
488 county clerk received a written challenge, the words "To be challenged"; and

489 (iii) transmit the written challenges to election judges of that voting precinct.

490 (d) On election day, the election judges shall raise the written challenge with the voter  
491 before giving the voter a ballot.

492 (e) If the person challenged takes an oath before any of the election judges that the grounds



493 of the challenge are false, the judges shall allow the person to vote.

494 (f) If the person applying to vote does not meet the legal requirements to vote, or refuses  
495 to take the oath, the election judges may not deliver a ballot to him.

496 (4) The election judges shall record all challenges in the official register and on the  
497 challenge sheets in the pollbook.

498 (5) If the person challenged under Subsection (3) voted an absentee ballot, the county clerk  
499 shall submit the name of the voter and the challenge to the voter to the county attorney, or the  
500 district attorney in counties with a prosecution district, for investigation and prosecution for voter  
501 fraud.

502 Section 8. Section **20A-3-304** is amended to read:

503 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

504 (1) As used in this section, "absent elector" means a person who:

505 (a) is physically, emotionally, or mentally impaired;

506 (b) will be serving as an election judge or who has election duties in another voting  
507 precinct;

508 (c) is detained or incarcerated in a jail or prison as a penalty for committing a  
509 misdemeanor;

510 (d) suffers a legal disability;

511 (e) is prevented from voting in a particular location because of religious tenets or other  
512 strongly-held personal values;

513 (f) is called for jury duty in state or federal court; or

514 (g) otherwise expects to be absent from the voting precinct during the hours the polls are  
515 open on election day.

516 (2) A registered voter who is or will be an absent elector may file an absentee ballot  
517 application with the appropriate election officer for an official absentee ballot.

518 (3) (a) [~~Each~~] Except as provided in Subsection (3)(b), each election officer shall prepare  
519 blank applications for absentee ballot applications in substantially the following form:

520 "I, \_\_\_\_ a qualified elector, in full possession of my mental faculties, residing at \_\_\_\_  
521 Street, \_\_\_\_ City, \_\_\_\_ County, Utah and to my best knowledge and belief am entitled to vote by  
522 absentee ballot at the next election.

523 I apply for an official absentee ballot to be voted by me at the election.

524 Dated \_\_\_\_\_ [19] 20 \_\_\_\_\_ Signed \_\_\_\_\_

525 Voter"

526 (b) Each election officer shall prepare blank applications for absentee ballot applications  
527 for regular primary elections and for the Western States Presidential Primary in substantially the  
528 following form:

529 "I, \_\_\_\_\_ a qualified elector, in full possession of my mental faculties, residing at \_\_\_\_\_  
530 Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah and to my best knowledge and belief am entitled to vote by  
531 absentee ballot at the next election.

532 I apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted  
533 by me at the primary election.

534 I understand that I must be affiliated with or authorized to vote the political party's ballot  
535 that I request.

536 Dated \_\_\_\_\_ 20 \_\_\_\_\_ Signed \_\_\_\_\_

537 Voter"

538 If requested by the applicant, the election officer shall:

539 (i) mail or fax the application blank to the absentee voter; or

540 (ii) deliver the application blank to any voter who personally applies for it at the office of  
541 the election officer.

542 (4) (a) (i) Except as provided in Subsections (4)(a)(ii) and (iii), the voters shall file the  
543 application for an absentee ballot with the appropriate election officer no later than the Friday  
544 before election day.

545 (ii) Overseas applicants shall file their applications with the appropriate election officer  
546 no later than 20 days before the day of election.

547 (iii) Voters applying for an absentee ballot for the Western States Presidential Primary  
548 shall file the application for an absentee ballot with the appropriate election officer not later than  
549 the Tuesday before election day.

550 (b) Persons voting an absentee ballot at the office of the election officer shall apply for and  
551 cast their ballot no later than the day before the election.

552 (5) (a) A county clerk may establish a permanent absentee voter list.

553 (b) The clerk shall place on the list the name of any person who:

554 (i) requests permanent absentee voter status; and

555 (ii) meets the requirements of this section.

556 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the  
557 absentee voter list.

558 (ii) The questionnaire shall allow the absentee person to verify the voter's residence and  
559 inability to vote at the voting precinct on election day.

560 (iii) The clerk may remove the names of any voter from the absentee voter registration list  
561 if:

562 (A) the voter is no longer listed in the official register; or

563 (B) the voter fails to verify the voter's residence and absentee status.

564 (d) The clerk shall provide a copy of the permanent absentee voter list to election officers  
565 for use in elections.

566 Section 9. Section **20A-5-102** is amended to read:

567 **20A-5-102. Voting instructions.**

568 (1) Each election officer shall:

569 (a) print instruction cards for voters;

570 (b) ensure that the cards are printed in English in large clear type; and

571 (c) ensure that the cards instruct voters:

572 (i) about how to obtain ballots for voting;

573 (ii) about special political party affiliation requirements for voting in the Western States

574 Presidential Primary or in a regular primary election;

575 [~~(ii)~~] (iii) about how to prepare ballots for deposit in the ballot box;

576 [~~(iii)~~] (iv) about how to record write-in votes;

577 [~~(iv)~~] (v) about how to obtain a new ballot in the place of one spoiled by accident or  
578 mistake;

579 [~~(v)~~] (vi) about how to obtain assistance in marking ballots;

580 [~~(vi)~~] (vii) about obtaining a new ballot if the voter's ballot is defaced; and

581 [~~(vii)~~] (viii) that identification marks or the spoiling or defacing of a ballot will make it  
582 invalid.

583 (2) Each election officer shall:

584 (a) provide the election judges of each voting precinct with sufficient instruction cards to  
585 instruct voters in the preparation of their ballots;

586 (b) direct the election judges to post:

587 (i) at least one instruction card in each voting booth; and

588 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about  
589 the polling place.

590 Section 10. Section **20A-6-203** is enacted to read:

591 **20A-6-203. Ballots for regular primary elections.**

592 (1) The lieutenant governor, together with county clerks, suppliers of election materials,  
593 and representatives of registered political parties, shall:

594 (a) develop paper ballots, ballot labels, and ballot cards to be used in Utah's regular  
595 primary election;

596 (b) ensure that the paper ballots, ballot labels, and ballot cards comply generally, where  
597 applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All  
598 Ballots, and this section; and

599 (c) provide voting booths, election records and supplies, and ballot boxes for each voting  
600 precinct as required by Section 20A-5-403.

601 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter  
602 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-201, and  
603 20A-6-202, the lieutenant governor, together with county clerks, suppliers of election materials,  
604 and representatives of registered political parties shall ensure that the paper ballots, ballot labels,  
605 ballot cards, and voting booths, election records and supplies, and ballot boxes:

606 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all  
607 voters are authorized to vote for a party's candidate;

608 (ii) simplify the task of election judges, particularly in determining a voter's party  
609 affiliation;

610 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

611 (iv) protect against fraud.

612 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county  
613 clerks, suppliers of election materials, and representatives of registered political parties shall:

614 (i) mark, prepunch, or otherwise identify ballot cards as being for a particular registered  
615 political party; and

616 (ii) instruct persons counting the ballots to count only those votes for candidates from the

617 registered political party whose ballot the voter received.

618 Section 11. Section **20A-6-401.1** is enacted to read:

619 **20A-6-401.1. Ballots for partisan municipal primary elections.**

620 (1) If a municipality is using paper ballots, each election officer shall ensure that:

621 (a) all paper ballots furnished for use at the regular primary election:

622 (i) are perforated to separate the candidates of one political party from those of the other  
623 political parties so that the voter may separate the part of the ballot containing the names of the  
624 political party of the voter's choice from the rest of the ballot;

625 (ii) have sides that are perforated so that the outside sections of the ballot, when detached,  
626 are similar in appearance to the inside sections of the ballot when detached; and

627 (iii) contain no captions or other endorsements except as provided in this section;

628 (b) the names of all candidates from each party are listed on the same ballot in one or more  
629 columns under their party name and emblem;

630 (c) the political parties are printed on the ballot in the order determined by the county  
631 clerk;

632 (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the top  
633 of the ballot;

634 (ii) the ballot number and the words "Judge's Initials \_\_\_\_" are printed on the stub; and

635 (iii) ballot stubs are numbered consecutively;

636 (e) immediately below the perforated ballot stub, the following endorsements are printed  
637 in 18-point bold type:

638 (i) "Official Primary Ballot for \_\_\_\_ County, Utah";

639 (ii) the date of the election; and

640 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

641 (f) after the facsimile signature, the political party emblem and the name of the political  
642 party are printed;

643 (g) after the party name and emblem the ballot contains the following printed in not  
644 smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a  
645 candidate, place a cross (X) in the square at the right of the name of the person for whom you wish  
646 to vote and in no other place. Do not vote for any candidate listed under more than one party or  
647 group designation.", followed by two one-point parallel horizontal rules;

648 (h) after the rules, the designation of the office for which the candidates seek nomination  
649 is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more"  
650 are printed to extend to the extreme right of the column in ten-point bold type, followed by a  
651 hair-line rule;

652 (i) after the hair-line rule, the names of the candidates are printed in heavy face type  
653 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and  
654 grouped according to the office that they seek;

655 (j) a square with sides not less than 1/4 inch long is printed to the right of the names of the  
656 candidates;

657 (k) the candidate groups are separated from each other by one light and one heavy line or  
658 rule; and

659 (l) the nonpartisan candidates are listed as follows:

660 (i) immediately below the listing of the party candidates, the word "NONPARTISAN" is  
661 printed in reverse type in an 18-point solid rule that extends the full width of the type copy of the  
662 party listing above; and

663 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the  
664 candidate's name, the voting square, and any other necessary information is printed in the same  
665 style and manner as for party candidates.

666 (2) (a) If a municipality is using machine counted ballots, the election officer may require  
667 that:

668 (i) the ballot label for a regular primary election consist of several groups of pages, so that  
669 a separate group can be used to list the names of candidates seeking nomination of each qualified  
670 political party, with additional groups used to list candidates for other nonpartisan offices;

671 (ii) the separate groups of pages are identified by color or other suitable means; and

672 (iii) the ballot label contain instructions that direct the voter how to vote the ballot.

673 (b) If a municipality is using machine counted ballots, each election officer shall:

674 (i) ensure that the ballot label provides a square for the voter to designate the political party  
675 in whose primary the voter is voting; and

676 (ii) determine the order for printing the names of the political parties on the ballot label.

677 Section 12. Section **20A-9-403** is amended to read:

678 **20A-9-403. Regular primary elections.**

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

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

683 (c) Unless a registered political party uses the procedure established in Subsection (2) to  
684 allow voters other than those affiliated with it to vote in its primary election, only those voters  
685 registered as members of the regular political party may vote in its primary.

686 (2) (a) ~~[(i) Each]~~ As a condition for using the state's election system, each registered  
687 political party that wishes to participate in the primary election shall ~~[submit the names]:~~

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

689 (ii) if the registered political party intends to allow voters other than its registered members  
690 to vote in its primary, identify other registered political parties whose members may vote for the  
691 registered political party's candidates and whether or not persons identified as unaffiliated with a  
692 political party may vote for the registered political party's candidates; and

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

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

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

699 (ii) certify the name and office of each of its county candidates to the county clerks [and  
700 the names of all of its candidates to the lieutenant governor] by 5 p.m. on May 13 of each  
701 even-numbered year.

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

705 ~~[(b)]~~ (c) (i) Except as provided in Subsection ~~[(b)]~~ (2)(c)(ii), if a registered political party  
706 does not wish to participate in the primary election, it shall submit the names of its county  
707 candidates to the county clerks and the names of all of its candidates to the lieutenant governor by  
708 5 p.m. on May 30 of each even-numbered year.

709 (ii) ~~[Notwithstanding Subsection (b)(i), a]~~ A registered political party's candidates for

710 President and Vice-President of the United States shall be certified to the lieutenant governor as  
711 provided in Subsection 20A-9-202(4).

712 ~~[(c)]~~ (d) Each political party shall certify the names of its presidential and vice-presidential  
713 candidates and presidential electors to the lieutenant governor's office by August 30 of each  
714 presidential election year.

715 (3) The county clerk shall:

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

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

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

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

724 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_, [~~19~~] 20 \_\_, to  
725 nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The  
726 polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open  
727 until 8 p.m. of the same day. Attest: county clerk".

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

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

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

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



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

745 Section 13. Section **20A-9-404** is amended to read:

746 **20A-9-404. Municipal primary elections.**

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

749 (b) Municipal primary elections shall be held:

750 (i) on the Tuesday following the first Monday in the October before the regular municipal  
751 election; and

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

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

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

758 (b) (i) By ordinance adopted before the June 1 before a regular municipal election, any  
759 third class city or town may exempt itself from a primary election by providing that the nomination  
760 of candidates for municipal office to be voted upon at a municipal election be nominated by a  
761 political party convention or committee.

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

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

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

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

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

774 (ii) The certificate of nomination shall:

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

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

780 (C) contain a copy of the resolution passed at the convention that authorized the committee  
781 to make the nomination;

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

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

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

788 (iii) Certificates of nomination shall be filed with the clerk not later than the sixth Tuesday  
789 before the November municipal election.

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

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

795 (4) (a) Any third class city may adopt an ordinance before the July 1 before the regular  
796 municipal election that:

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

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

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

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

805 (A) is signed by registered voters within the municipality equal to at least 20% of the  
806 number of votes cast for all candidates for mayor in the last municipal election at which a mayor  
807 was elected;

808 (B) is filed with the city recorder by the seventh Tuesday before the date of the municipal  
809 primary election;

810 (C) is substantially similar to the form of the signature sheets described in Section  
811 20A-7-303; and

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

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

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

819 (d) The clerk shall ensure that:

820 (i) the partisan municipal primary ballot is similar to the ballot forms required by Sections  
821 [~~20A-6-201~~] 20A-6-401 and [~~20A-6-202~~] 20A-6-401.1;

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

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

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

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

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

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

834 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box; and  
835 (iii) fold the remainder of the ballot containing the names of the candidates of the parties  
836 for whom the elector did not vote and deposit it in the blank ballot box.

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

839 Section 14. Section **63-55b-120** is enacted to read:

840 **63-55b-120. Repeal dates -- Title 20A.**

841 Section 20A-2-107.1 is repealed July 1, 2002.

842 Section 15. **Repealer.**

843 This act repeals:

844 Section **20A-6-201, Paper ballots for regular primary elections.**

845 Section **20A-6-202, Machine-counted ballots for regular primary elections.**

846 Section 16. **Effective date.**

847 This act takes effect on July 1, 2000.

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**Legislative Review Note**  
**as of 1-7-00 1:31 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**