

## HB0165S01 compared with HB0165

~~{deleted text}~~ shows text that was in HB0165 but was deleted in HB0165S01.

inserted text shows text that was not in HB0165 but was inserted into HB0165S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Steve Eliason proposes the following substitute bill:

### VOTE BY MAIL AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions of the Election Code to provide that all elections, except for an exempt jurisdiction, are conducted by absentee ballot, with the option of voting at an election day voting center on election day.

##### Highlighted Provisions:

This bill:

- ▶ provides that, except for voting that occurs at an election day voting center on election day, or an election in an exempt jurisdiction, all elections be conducted by absentee ballot;
- ▶ provides that, except for a voter in an exempt jurisdiction, a voter who is not temporarily absent from the voter's voting precinct is not required to submit an application to receive an absentee ballot;

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- ▶ establishes procedures for administering and conducting an election described in this bill, including procedures relating to an election day voting center;
- ▶ ~~{repeals}~~provides that provisions related to early voting apply only to an exempt jurisdiction;
- ▶ establishes procedures and criteria for becoming an exempt jurisdiction; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill takes effect on ~~{January}~~October 1, 2015.

### Utah Code Sections Affected:

AMENDS:

~~{17B-1-306}~~20A-1-102, as last amended by Laws of Utah 2013, ~~{Chapters 402 and 448}~~Chapter 320

20A-1-302, as last amended by Laws of Utah 2006, Chapter 264

20A-3-104, as last amended by Laws of Utah 2010, Chapter 197

20A-3-104.5, as last amended by Laws of Utah 2011, Chapter 335

20A-3-105, as last amended by Laws of Utah 2007, Chapter 75

20A-3-105.5, as last amended by Laws of Utah 2013, Chapter 390

20A-3-106, as last amended by Laws of Utah 2006, Chapter 326

20A-3-107, as last amended by Laws of Utah 2007, Chapter 75

20A-3-108, as last amended by Laws of Utah 2011, Chapter 366

20A-3-109, as last amended by Laws of Utah 2007, Chapter 75

20A-3-201, as last amended by Laws of Utah 2009, Chapter 388

20A-3-202.3, as enacted by Laws of Utah 2010, Chapter 83

20A-3-202.5, as enacted by Laws of Utah 2010, Chapter 83

20A-3-301, as last amended by Laws of Utah 2013, Chapter 198

20A-3-304, as last amended by Laws of Utah 2013, Chapters 198, 218 and last amended by Coordination Clause, Laws of Utah 2013, Chapter 198

20A-3-304.1, as last amended by Laws of Utah 2008, Chapter 382

20A-3-305, as last amended by Laws of Utah 2012, Chapter 309

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20A-3-306, as last amended by Laws of Utah 2013, Chapters 198, 219, 320 and last amended by Coordination Clause, Laws of Utah 2013, Chapter 198

20A-3-306.5, as last amended by Laws of Utah 2013, Chapter 219

20A-3-307, as last amended by Laws of Utah 2012, Chapter 309

20A-3-308, as last amended by Laws of Utah 2012, Chapter 309

~~{20A-3-702, as last amended by Laws of Utah 2013, Chapter 198~~

~~20A-3-703, as enacted by Laws of Utah 2011, Chapter 291~~

~~20A-5-605, as last amended by Laws of Utah 2007, Chapter 75~~

### **REPEALS:**

~~20A-3-302, as last amended by Laws of Utah 2013, Chapter 320~~

~~}20A-3-601, as last amended by Laws of Utah 2013, Chapter 182~~

20A-3-602, as last amended by Laws of Utah 2013, Chapter 182

20A-3-603, as last amended by Laws of Utah 2013, Chapter 182

20A-3-604, as last amended by Laws of Utah 2013, Chapter 182

20A-3-605, as last amended by Laws of Utah 2013, Chapter 320

20A-3-702, as last amended by Laws of Utah 2013, Chapter 198

20A-3-703, as enacted by Laws of Utah 2011, Chapter 291

20A-5-605, as last amended by Laws of Utah 2007, Chapter 75

### **REPEALS:**

20A-3-302, as last amended by Laws of Utah 2013, Chapter 320

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

Section 1. Section ~~{17B-1-306}~~20A-1-102 is amended to read:

~~{~~ ~~17B-1-306. Local district board -- Election procedures.~~

~~(1) Except as provided in Subsection (11), each elected board member shall be selected as provided in this section.~~

~~(2) (a) Each election of a local district board member shall be held:~~

~~(i) at the same time as the municipal general election; and~~

~~(ii) at polling places designated by the county clerk in consultation with the local district for each county in which the local district is located, which polling places shall coincide with municipal general election polling places whenever feasible.~~

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~~—— (b) The county clerk may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.~~

~~—— (c) (i) Subject to Subsections (4)(f) and (g), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.~~

~~—— (ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).~~

~~—— (3) (a) The clerk of each local district with a board member position to be filled at the next municipal general election shall provide notice of:~~

~~—— (i) each elective position of the local district to be filled at the next municipal general election;~~

~~—— (ii) the constitutional and statutory qualifications for each position; and~~

~~—— (iii) the dates and times for filing a declaration of candidacy.~~

~~—— (b) The notice required under Subsection (3)(a) shall be:~~

~~—— (i) posted in at least five public places within the local district at least 10 days before the first day for filing a declaration of candidacy; or~~

~~—— (ii) (A) published in a newspaper of general circulation within the local district at least three but no more than 10 days before the first day for filing a declaration of candidacy; and~~

~~—— (B) published, in accordance with Section 45-1-101, for 10 days before the first day for filing a declaration of candidacy.~~

~~—— (4) (a) To become a candidate for an elective local district board position, the prospective candidate shall file a declaration of candidacy in person with the local district, during office hours and not later than the close of normal office hours between June 1 and June 7 of any odd-numbered year.~~

~~—— (b) When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until the close of normal office hours on the following regular business day.~~

~~—— (c) (i) Before the filing officer may accept any declaration of candidacy, the filing officer shall:~~

~~—— (A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and~~

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~~\_\_\_\_\_ (B) require the candidate to state whether or not the candidate meets those requirements:~~

~~\_\_\_\_\_ (ii) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy.~~

~~\_\_\_\_\_ (iii) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy.~~

~~\_\_\_\_\_ (d) The declaration of candidacy shall substantially comply with the following form:~~

~~\_\_\_\_\_ "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street) \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah, (Zip Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the office of board of trustees member for \_\_\_\_\_ (state the name of the local district); that I am a candidate for that office to be voted upon at the next election, and I hereby request that my name be printed upon the official ballot for that election.~~

~~\_\_\_\_\_ (Signed) \_\_\_\_\_~~

~~\_\_\_\_\_ Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.~~

~~\_\_\_\_\_ (Signed) \_\_\_\_\_~~

~~\_\_\_\_\_ (Clerk or Notary Public)"~~

~~\_\_\_\_\_ (e) Each person wishing to become a valid write-in candidate for an elective local district board position is governed by Section 20A-9-601.~~

~~\_\_\_\_\_ (f) If at least one person does not file a declaration of candidacy as required by this section, a person shall be appointed to fill that board position by following the procedures and requirements for appointment established in Section 20A-1-512.~~

~~\_\_\_\_\_ (g) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:~~

~~\_\_\_\_\_ (i) consider the candidate to be elected to the position; and~~

~~\_\_\_\_\_ (ii) cancel the election.~~

~~\_\_\_\_\_ (5) (a) A primary election may be held if:~~

~~\_\_\_\_\_ (i) the election is authorized by the local district board; and~~

~~\_\_\_\_\_ (ii) the number of candidates for a particular local board position or office exceeds~~

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~~twice the number of persons needed to fill that position or office:~~

~~—— (b) The primary election shall be conducted:~~

~~—— (i) on the same date as the municipal primary election, as provided for in Section 20A-1-201.5; and~~

~~—— (ii) according to the procedures for municipal primary elections provided under Title 20A, Election Code:~~

~~—— (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the candidate names to the clerk of each county in which the local district is located no later than June 12 of the municipal election year:~~

~~—— (b) (i) Except as provided in Subsection (6)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the local district is located shall coordinate the placement of the name of each candidate for local district office in the nonpartisan section of the municipal general election ballot with the municipal election clerk:~~

~~—— (ii) If consolidation of the local district election ballot with the municipal general election ballot is not feasible, the county clerk shall provide for a separate local district election ballot to be administered by poll workers at polling locations designated under Subsection (2):~~

~~—— (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act:~~

~~—— (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election:~~

~~—— (B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format:~~

~~—— (C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305:~~

~~—— (7) (a) Each voter at an election for a board of trustees member of a local district shall:~~

~~—— (i) be a registered voter within the district, except for an election of:~~

~~—— (A) an irrigation district board of trustees member; or~~

~~—— (B) a basic local district board of trustees member who is elected by property owners; and~~

~~—— (ii) meet the requirements to vote established by the district:~~

~~—— (b) Each voter may vote for as many candidates as there are offices to be filled:~~

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~~———— (c) The candidates who receive the highest number of votes are elected.~~

~~———— (8) Except as otherwise provided by this section, the election of local district board members is governed by Title 20A, Election Code.~~

~~———— (9) (a) A person elected to serve on a local district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.~~

~~———— (b) A person elected shall be sworn in as soon as practical after January 1.~~

~~———— (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that local district.~~

~~———— (b) Each irrigation district shall bear its own costs of each election it holds under this section.~~

~~———— (11) This section does not apply to an improvement district that provides electric or gas service.~~

~~———— [(12) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.]~~

### ‡ **20A-1-102. Definitions.**

As used in this title:

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

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

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

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

(4) "Ballot sheet":

(a) means a ballot that:

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

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

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

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

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

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

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

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

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

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

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

(11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

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

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

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

(15) "Contracting election officer" means an election officer who enters into a contract

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or interlocal agreement with a provider election officer.

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

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

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

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

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

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

(22) "Date of the election" or "election day" or "day of the election":

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

(23) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

(24) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(25) "Election Assistance Commission" means the commission established by Public

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Law 107-252, the Help America Vote Act of 2002.

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

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

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(28) "Election officer" means:

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

(b) the county clerk for:

- (i) a county ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

(i) a municipal ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(d) the local district clerk or chief executive officer for:

(i) a local district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

(e) the business administrator or superintendent of a school district for:

(i) a school district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

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

(30) "Election results" means:

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

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

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

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

(33) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

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

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

(35) "Exempt jurisdiction" means a county, a municipality, or a local district that receives an exemption, under Subsection 20A-3-104(9), from the requirements of Subsections 20A-3-104(1) through (4).

~~[(35)]~~ (36) "Inactive voter" means a registered voter who has:

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

(b) failed to respond to that notice.

~~[(36)]~~ (37) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

~~[(37)]~~ (38) "Judicial office" means the office filled by any judicial officer.

~~[(38)]~~ (39) "Judicial officer" means any justice or judge of a court of record or any county court judge.

~~[(39)]~~ (40) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

~~[(40)]~~ (41) "Local district officers" means those local district officers that are required by law to be elected.

~~[(41)]~~ (42) "Local election" means a regular municipal election, a local special election, a local district election, and a bond election.

~~[(42)]~~ (43) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

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~~[(43)]~~ [(44)] "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

~~[(44)]~~ [(45)] "Municipal executive" means:

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

or

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

~~[(45)]~~ [(46)] "Municipal general election" means the election held in municipalities and local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

~~[(46)]~~ [(47)] "Municipal legislative body" means the council of the city or town in any form of municipal government.

~~[(47)]~~ [(48)] "Municipal office" means an elective office in a municipality.

~~[(48)]~~ [(49)] "Municipal officers" means those municipal officers that are required by law to be elected.

~~[(49)]~~ [(50)] "Municipal primary election" means an election held to nominate candidates for municipal office.

~~[(50)]~~ [(51)] "Official ballot" means the ballots distributed by the election officer to the poll workers to be given to voters to record their votes.

~~[(51)]~~ [(52)] "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

(i) the poll worker's initials; and

(ii) the ballot number.

~~[(52)]~~ [(53)] "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

~~[(53)]~~ [(54)] "Paper ballot" means a paper that contains:

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

(b) spaces for the voter to record the voter's vote for each office and for or against each ballot proposition.

~~[(54)]~~ [(55)] "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

~~[(55)]~~ [(56)] (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

~~[(56)]~~ [(57)] "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

~~[(57)]~~ [(58)] "Polling place" means the building where voting is conducted.

~~[(58)]~~ [(59)] "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

~~[(59)]~~ [(60)] "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

~~[(60)]~~ [(61)] "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

~~[(61)]~~ [(62)] "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

~~[(62)]~~ [(63)] "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

~~[(63)]~~ [(64)] "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

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

~~[(64)]~~ [(65)] "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

~~[(65)]~~ [(66)] "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

~~[(66)]~~ [(67)] "Registration form" means a book voter registration form and a by-mail voter registration form.

~~[(67)]~~ [(68)] "Regular ballot" means a ballot that is not a provisional ballot.

~~[(68)]~~ [(69)] "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

~~[(69)]~~ [(70)] "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and nonpolitical groups to advance to the regular general election.

~~[(70)]~~ [(71)] "Resident" means a person who resides within a specific voting precinct in Utah.

~~[(71)]~~ [(72)] "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

~~[(72)]~~ [(73)] "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.

~~[(73)]~~ [(74)] "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote.

~~[(74)]~~ [(75)] "Special election" means an election held as authorized by Section 20A-1-203.

~~[(75)]~~ [(76)] "Spoiled ballot" means each ballot that:

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

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~~[(76)]~~[(77)] "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

~~[(77)]~~[(78)] "Stub" means the detachable part of each ballot.

~~[(78)]~~[(79)] "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.

~~[(79)]~~[(80)] "Ticket" means each list of candidates for each political party or for each group of petitioners.

~~[(80)]~~[(81)] "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(81)]~~[(82)] "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

~~[(82)]~~[(83)] "Valid voter identification" means:

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

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
  - (A) the state; or
  - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection ~~[(82)]~~[(83)](a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

- (i) a current utility bill or a legible copy thereof, dated within the 90 days before the

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election;

- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid Social Security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:
  - (A) a local government within the state;
  - (B) an employer for an employee; or
  - (C) a college, university, technical school, or professional school located within the

state; or

- (xiii) a current Utah vehicle registration.

~~[(83)]~~ [(84)] "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

~~[(84)]~~ [(85)] "Voter" means a person who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register book.

~~[(85)]~~ [(86)] "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

~~[(86)]~~ [(87)] "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

~~[(87)]~~ [(88)] "Voting booth" means:

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

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(b) a voting device that is free standing.

~~[(88)]~~ (89) "Voting device" means:

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

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

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

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

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

~~[(89)]~~ (90) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

~~[(90)]~~ (91) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

~~[(91)]~~ (92) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

~~[(92)]~~ (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

~~[(93)]~~ (94) "Western States Presidential Primary" means the election established in Chapter 9, Part 8, Western States Presidential Primary.

~~[(94)]~~ (95) "Write-in ballot" means a ballot containing any write-in votes.

~~[(95)]~~ (96) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section 2. Section **20A-1-302** is amended to read:

### **20A-1-302. Opening and closing of polls on election day.**

(1) Polls at all [~~elections on the date of the {}~~] election ~~shall~~ election day voting centers, and all polling places for an exempt jurisdiction, shall, on the day of the election, open at 7 a.m. and [~~shall~~] remain open until 8 p.m. of the same day.

(2) The election judges shall allow every voter who arrives at [~~the polls~~] an election day voting center or another polling place by 8 p.m. to vote.

Section 3. Section **20A-3-104** is amended to read:

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### 20A-3-104. Manner of voting -- Absentee ballot -- Election day voting center.

(1) Except for voting that occurs at an election day voting center, all elections shall be conducted by absentee ballot.

(2) The election officer shall mail to each registered voter:

(a) an absentee ballot;

(b) a statement that there will be no polling place for voting on the day of election except the election day voting center to which the voter's voting precinct is assigned;

(c) the address of the election day voting center to which the voter's voting precinct is assigned;

(d) a business reply mail envelope;

(e) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

(f) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in that election on election day unless the voter votes at the election day voting center to which the voter's voting precinct is assigned.

(3) The election officer shall:

(a) (i) before the election, obtain, in person, the signatures of each voter who is eligible to vote in the election; or

(ii) obtain the signature of each voter from the county clerk; and

(b) maintain the signatures on file in the election officer's office.

(4) (a) Upon receiving the returned absentee ballots, the election officer shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.

(b) If the election officer questions the authenticity of the signature on the absentee ballot, the election officer shall immediately contact the voter to verify the signature.

(c) If the election officer determines that the signature on the absentee ballot does not match the voter's signature that is maintained on file, the election officer shall:

(i) unless the absentee ballot application deadline described in Section 20A-3-304 has passed, immediately send to the voter another absentee ballot and other voting materials as required by this section; and

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(ii) disqualify the initial absentee ballot.

(5) For voting at an election day voting center or another polling place:

~~(1)~~ (a) ~~Any~~ 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~~ the voter shall present valid voter identification to one of the poll workers[-];

(c) ~~If~~ 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[-]; and

(d) ~~If the person's~~ if the voter'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)~~ (6) For voting at an election day voting center or another polling place:

(a) ~~The~~ 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[-]; and

(b) ~~If the voter's~~ if the person'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~~ (7) For voting at an election day voting center or another polling place, 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

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(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)]~~ (8) Whenever the election officer is required to furnish more than one kind of official ballot to ~~[the voting precinct]~~ an election day voting center or another polling place, the poll workers of that ~~[voting precinct]~~ election day voting center or other polling place shall give the registered voter the kind of ballot that the voter is qualified to vote.

(9) (a) The provisions of Subsections (1) through (4) do not apply to an election for a county, a municipality, or a local district that is granted an exemption from those provisions by the lieutenant governor.

(b) In order to obtain an exemption under Subsection (9)(a), the county, municipality, or local district shall apply for the exemption by submitting an application to the lieutenant governor that:

(i) requests the exemption; and

(ii) states the grounds for the exemption, as described in Subsection (9)(c).

(c) The lieutenant governor may grant an exemption described in this Subsection (9) if the county, municipality, or local district establishes that the exemption will:

(i) likely result in better voter turnout;

(ii) likely result in a cost savings; or

(iii) be beneficial for another compelling reason.

Section 4. Section **20A-3-104.5** is amended to read:

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

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### Primary.

(1) For voting at an election day voting center ~~or another polling place~~:

(a) [~~Any~~] 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~~] the voter shall present valid voter identification to one of the poll workers[-]; and

(c) (i) [~~The~~] 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[-]; and

(ii) [~~The~~] 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:

(A) the county clerk at the county clerk's office; or

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

(2) For voting at an election day voting center ~~or another polling place~~:

(a) (i) [~~If~~] 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[-]; and

(ii) [~~If~~] 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~~] 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[-]; and

(ii) (A) [~~If~~] if it is not unduly disruptive of the election process, the poll worker shall

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attempt to contact the county clerk's office to request oral verification of the voter's registration[-]; and

(B) [~~H~~] 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)[-]; and

(c) (i) [~~Except~~] 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[-]; and

(ii) (A) [~~H~~] 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) [~~H~~] 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)[-]; and

(C) [~~H~~] 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) [~~H~~] For voting at an election day voting center [or another polling place](#), 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

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(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~~] an election day voting center or another polling place, the poll workers of that [~~voting precinct~~] election day voting center or another polling place shall give the registered voter the kind of ballot that the voter is qualified to vote.

Section 5. Section **20A-3-105** is amended to read:

### **20A-3-105. Marking and depositing ballots.**

For voting at an election day voting center or another polling place:

(1) (a) [~~H~~] 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~~] a mark is not required opposite the name of a write-in candidate[-];

(c) [~~H~~] 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[-]; and

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(d) [~~Before~~] 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) [~~Hf~~] 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) [~~Hf~~] 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[-]; and

(iii) [~~Hf~~] 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~~] 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[-]; or

(c) [~~Hf~~] 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) [~~Hf~~] 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~~] 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[-]; and

(c) [~~Hf~~] 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) [~~Hf~~] 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[-]; and

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(b) [~~The~~] 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~~] 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~~] the voter's 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~~] the voter's 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~~] the voter's 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

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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]~~ the voter's 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]~~ 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]~~ each voter shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting[-]; and

(b) ~~[A]~~ 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) ~~[H]~~ 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[-];

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and

(9) [~~The~~] 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.

Section 6. Section **20A-3-105.5** is amended to read:

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

For voting at an election day voting center ~~or another polling place~~:

(1) [~~The~~] 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~~] 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~~] 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~~] the voter's 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;

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and

(c) the poll worker having charge of the ballots shall:

- (i) endorse [~~his~~] the poll worker's 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~~] 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~~] the poll worker's 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[-]; and

(5) [~~Whenever~~] whenever the election officer is required to furnish more than one kind of official ballot to [~~a voting precinct~~] an election day voting center or another polling place, the poll workers of that [~~voting precinct~~] election day voting center or another polling place shall give the registered voter the kind of ballot that the voter is qualified to vote.

Section 7. Section **20A-3-106** is amended to read:

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

For voting at an election day voting center or another polling place:

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(1) [~~When~~] when voting a paper ballot, any voter desiring to vote for all the candidates 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~~] when voting a ballot sheet, any voter desiring to vote for all the candidates 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[-]; and

(b) [~~To~~] 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 [~~his~~] the voter's choice by marking in the circle or position above one political party and marking in the squares or positions opposite the names of desired candidates[-];

(3) (a) [~~When~~] when voting an electronic ballot, any voter desiring to vote for all the candidates 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[-]; and

(b) [~~To~~] 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) select a political party in the straight party selection area and select the names of the candidates for whom the voter wishes to vote[-];

(4) [~~In~~] 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, 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~~] 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:

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(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~~] 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[-]; and

(c) [~~On~~] 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[-]; and

(6) [~~The~~] 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.

Section 8. Section **20A-3-107** is amended to read:

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

For voting at an election day voting center [or another polling place](#):

(1) [~~A~~] a person may not take or remove any ballot from the polling place before the close of the polls[-];

(2) [~~If~~] if any voter spoils a ballot, [~~he~~] the voter may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one[-];

(3) [~~If~~] if any ballot is spoiled by the printer or a poll worker, the poll worker shall give the voter a new ballot[-]; and

(4) [~~The~~] 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.

Section 9. Section **20A-3-108** is amended to read:

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

For voting at an election day voting center [or another polling place](#):

(1) [~~Any~~] any voter who has a disability, [~~or~~] who is blind, who is unable to read or

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write, including unable to read or write the English language, or who is physically unable to enter a polling place[-]; may be given assistance by a person of the voter's choice[-];

(2) [~~The~~] 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~~] 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[-]; and

(4) [~~Each~~] each time a voter is assisted, the poll worker shall note that fact in the official register and the pollbook.

Section 10. Section **20A-3-109** is amended to read:

### **20A-3-109. Instructions to voters.**

For voting at an election day voting center or another polling place:

(1) [~~If~~] 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~~] after instructing the voter, and before the voter has cast [~~his~~] the voter's vote, the poll worker shall leave the voting booth so that the voter may vote in secret[-]; and

(3) [~~A~~] 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.

Section 11. Section **20A-3-201** is amended to read:

### **20A-3-201. Watchers.**

(1) (a) (i) For each regular general election or statewide special election, and for each regular primary and Western States Presidential Primary, each registered political party and any person interested in a ballot proposition appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots at an election day voting center or another polling place, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and

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observe the securing of ballot packages.

(ii) Each party poll watcher shall be designated, and [~~his~~] the poll watcher's selection made known to the poll workers, by an affidavit made by the county chair of each of the parties.

(iii) Each issue poll watcher shall be designated, and [~~his~~] the poll watcher's selection made known to the poll workers, by an affidavit made by the individual appointing [~~him~~] the poll watcher.

(b) (i) For each municipal general election, municipal primary, local special election, or bond election that uses paper ballots, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher at an election day voting center or another polling place to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(ii) For each municipal general election, municipal primary, local special election, or bond election that uses ballot sheets, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher at an election day voting center or another polling place to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(iii) Each candidate poll watcher shall be designated, and [~~his~~] the poll watcher's selection made known to the poll workers, by an affidavit made by the candidate appointing [~~him~~] the poll watcher.

(iv) Each issue poll watcher shall be designated, and [~~his~~] the poll watcher's selection made known to the poll workers, by an affidavit made by the individual appointing [~~him~~] the poll watcher.

(2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise absent, that poll watcher may substitute some other watcher of similar political beliefs by informing the poll workers of the substitution by affidavit.

(3) Voting poll watchers may watch and observe the voting process, and may make a written memorandum, but they may not interfere in any way with the process of voting except to challenge a voter as provided in this part.

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(4) The counting poll watcher shall remain in the counting room, except in the case of necessity, until the close of the polls and may not divulge the progress of the count until the count is completed.

(5) (a) It is unlawful for a counting poll watcher to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.

(b) Any person who violates this subsection is guilty of a third degree felony.

(6) The inspecting poll watcher may be present in the office of the clerk or recorder to whom ballots are delivered after elections to:

(a) inspect the condition of the packages containing the ballots upon their arrival; and

(b) observe the placement of these packages in a safe and secure place.

(7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any interested person may act as a testing watcher to observe a demonstration of logic and accuracy testing of the voting devices prior to the commencement of voting.

(b) The election officer shall give prior notice of the logic and accuracy testing demonstration at least two days prior to the date of the demonstration by publishing notice of the date, time, and location of the demonstration:

(i) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(ii) as required in Section 45-1-101.

(c) An election official shall provide, upon request, a copy of testing results to a testing watcher.

Section 12. Section **20A-3-202.3** is amended to read:

**20A-3-202.3. Pre-election challenges to a voter's eligibility in writing -- Procedure -- Form of challenge.**

(1) (a) A person may challenge the right to vote of a person whose name appears on the official register by filing with the election officer, during regular business hours and not later than ~~[21]~~ 30 days before ~~[the date that early voting commences]~~ election day, a written statement that:

(i) lists the name and address of the person filing the challenge;

(ii) for each voter who is challenged:

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- (A) identifies the name of the challenged voter;
- (B) lists the last known address or telephone number of the challenged voter;
- (C) provides the basis for the challenge, as provided under Section 20A-3-202; and
- (D) provides facts and circumstances supporting the basis provided; and
- (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:

(A) the filer exercised due diligence to personally verify the facts and circumstances establishing the basis for the challenge; and

(B) according to the filer's personal knowledge and belief, the basis for the challenge under Section 20A-3-202 for each challenged voter is valid.

(b) The challenge may not be based on unsupported allegations or allegations by an anonymous person.

(c) The election officer may provide a form that meets the requirements of this section for challenges filed under this section.

(2) (a) If the challenge is not in the proper form or if the basis for the challenge does not meet the requirements of this part, the election officer may dismiss the challenge and notify the filer in writing of the reasons for the dismissal.

(b) A challenge is not in the proper form if the challenge form is incomplete.

(3) Upon receipt of a challenge that meets the requirements for filing under this section, the election officer shall, at least [~~14~~] 21 days before [~~the day on which early voting commences~~] election day, attempt to notify each challenged voter:

(a) that a challenge has been filed against the challenged voter and the challenged voter may be required to cast a provisional ballot at the time of voting;

(b) of the basis for the challenge, which may include providing a copy of the written statement to the challenged voter; and

(c) that the challenged voter may submit information, a sworn statement, or other evidence supporting the challenged voter's right to vote in the election to the election officer no later than [~~seven~~] 14 days before [~~the day on which early voting commences~~] election day.

(4) (a) Before [~~the day on which early voting commences~~] election day, the election officer shall determine whether each challenged voter is eligible to vote.

(b) (i) The filer of the challenge has the burden to prove, by clear and convincing evidence, that the basis for challenging the voter's right to vote is valid.

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(ii) The election officer shall resolve the challenge based on the available facts and information submitted, which may include voter registration records and other documents or information available to the election officer.

(5) A person who files a challenge under the requirements of this section is subject to criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

(6) A decision of the election officer regarding a person's eligibility to vote may be appealed to the district court having jurisdiction over the location where the challenge was filed.

(7) A challenged voter may register to vote or change the location of the voter's voter registration if otherwise legally entitled to do so.

(8) All documents pertaining to a voter challenge are public records.

Section 13. Section **20A-3-202.5** is amended to read:

### **20A-3-202.5. Challenges to a voter's eligibility at time of voting -- Procedure.**

For voting at an election day voting center **or another polling place**:

(1) (a) [~~A~~] a poll worker or a person who lives in the [~~voting precinct~~] area served by the election day voting center, **or for another polling place, a poll worker or a person who lives in the voting precinct**, may challenge a voter's right to vote [~~in that voting precinct~~] at that election day voting center **or polling place**, or in that election if:

(i) the person making the challenge and the challenged voter are both present at the polling place at the time the challenge is made; and

(ii) the challenge is made when the challenged voter applies for a ballot[~~;~~]; and

(b) [~~A~~] a person may make a challenge by orally stating the challenged voter's name and the basis for the challenge, as provided under Section 20A-3-202[~~;~~];

(2) [~~The~~] the poll worker shall record a challenge in the official register and on the challenge sheets in the pollbook, including:

(a) the name of the challenged voter;

(b) the name of the person making the challenge; and

(c) the basis asserted for the challenge[~~;~~]; and

(3) [~~H~~] if a voter's right to vote is challenged under this section, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

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Section 14. Section **20A-3-301** is amended to read:

### **20A-3-301. Voting in person.**

~~[(1) Any person who is registered to vote may vote by absentee ballot.]~~

~~[(2)]~~ Except as provided in Section 20A-3-702, a registered voter may not vote in person if the voter voted by absentee ballot.

Section 15. Section **20A-3-304** is amended to read:

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

(1) A registered voter who is not temporarily absent from the voter's voting precinct is not required to file an application in order to receive an absentee ballot.

~~[(1)]~~ (2) (a) [Any] A registered voter who is temporarily outside of the voter's voting precinct and who wishes to vote an absentee ballot may [either: (i)] file an absentee ballot application:

~~[(A)]~~ (i) on the electronic system maintained by the lieutenant governor under Section 20A-2-206; or

~~[(B)]~~ (ii) with the appropriate election officer for an official absentee ballot as provided in this section ~~[(i)]~~; or ~~[(i)]~~

~~[(i)]~~ (ii) for an exempt jurisdiction, vote in person at the office of the appropriate election officer as provided in Section 20A-3-306. ~~[(i)]~~

(b) A person that collects a completed absentee ballot application from a registered voter shall file the completed absentee ballot application with the appropriate election official before the earlier of:

(i) 14 days after the day on which the registered voter signed the absentee ballot form; or

(ii) the Thursday before the next election.

~~[(2)]~~ (3) As it relates to an absentee ballot application to be filled out entirely by the voter:

(a) except as provided in Subsection ~~[(2)]~~ (3)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications in substantially the following form:

"I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah apply for an official absentee ballot to be voted by me at the election.

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Date \_\_\_\_\_ (month\day\year) Signed \_\_\_\_\_

Voter"; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for the Western States Presidential Primary in substantially the following form:

"I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me at the primary election.

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

Dated \_\_\_\_\_ (month\day\year) \_\_\_\_\_ Signed \_\_\_\_\_

Voter"

(c) If requested by the applicant, the election officer shall:

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

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

~~[(3)]~~ (4) As it relates to an absentee ballot application to be filled out for, and finished and signed by, a voter:

(a) except as provided in Subsection ~~[(3)]~~ (4)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications in substantially the following form:

"I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah apply for an official absentee ballot to be voted by me at the election.

I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Thursday before the next election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

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I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Date \_\_\_\_\_ (month\day\year) Signed \_\_\_\_\_

Voter"; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for the Western States Presidential Primary in substantially the following form:

"I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request. I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Thursday before the next primary election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Dated \_\_\_\_\_ (month\day\year) \_\_\_\_\_ Signed \_\_\_\_\_

Voter"

~~[(4)]~~ (5) The forms described in Subsections ~~[(2)]~~ (3) and ~~[(3)]~~ (4) shall contain instructions on how a voter may cancel an absentee ballot application.

~~[(5)]~~ (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who ~~[wishes to vote by]~~ applies for an absentee ballot under this section shall file the application ~~[for an absentee ballot]~~ with the lieutenant governor or appropriate election officer no later than the Thursday before election day.

~~[(6)]~~ (7) (a) A county clerk may establish a permanent absentee voter list.

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

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(i) requests permanent absentee voter status under this section; and

(ii) meets the requirements of this section.

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

(ii) The questionnaire shall allow the absentee person to verify the voter's residence.

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

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

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

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

Section 16. Section **20A-3-304.1** is amended to read:

### **20A-3-304.1. Election officer to provide voting history information and status.**

(1) As used in this section:

(a) "Qualified absentee ballot application" means an absentee ballot application filed under Section 20A-3-304 from a voter who the election officer determines is eligible to receive an absentee ballot.

(b) "Voting history record" means the information about the existence and status of absentee ballot requests required by this section.

(2) (a) Each election officer shall maintain, in the election officer's office, a voting history record of those voters [~~that~~] who have cast a vote by ~~{}~~:~~{}~~

(i) ~~{}~~ absentee ballot ~~{}~~; and ~~{}~~

~~{}~~(ii) for an exempt jurisdiction, early voting. ~~{}~~

(b) The voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(3) The election officer shall ensure that the voting history record for each voting precinct contains ~~{}~~:~~{}~~

(a) ~~{}~~ for absentee voting:

~~{}~~(i) ~~{}~~(a) the name and address of each person who has filed a qualified absentee ballot application;

~~{}~~(ii) ~~{}~~(b) the date that the application was received; ~~{}~~ and ~~{}~~

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~~(iii)~~~~(c)~~ the current status of each qualified absentee ballot application including specifically:

~~(A)~~~~(i)~~ the date that the absentee ballot was mailed to the voter; and

~~(B)~~~~(ii)~~ the date that the voted absentee ballot was received by the election officer; ~~and~~

~~(b)~~ for early voting in an exempt jurisdiction:~~(i)~~

~~(i)~~ the name and address of each person who has voted during the early voting period; and~~(i)~~

~~(ii)~~ the date the person's vote was cast~~[-]~~; and

(d) for each absentee ballot that the election officer mails without first receiving a qualified absentee application:

(i) the name and address of the individual to whom the absentee ballot is sent; and

(ii) the date that the voted absentee ballot was received by the election officer.

(4) (a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the election officer shall ensure that the information required by this section is recorded and made available to the public no later than one business day after its receipt in the election officer's office.

(b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements established in any ordinance, the election officer shall make copies of the voting history record available to the public for the actual cost of production or copying.

Section 17. Section **20A-3-305** is amended to read:

**20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope -- Affidavit.**

(1) (a) Upon timely receipt of an absentee voter application properly filled out and signed less than 30 days before the election, the election officer shall either:

(i) give the applicant an official absentee ballot and envelope to vote in the office; or

(ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an envelope printed as required in Subsection (2).

(b) Twenty-eight days before election day, the election officer shall mail an official absentee ballot, postage paid, to all~~(i)~~:

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(i) voters ~~-, including-~~ whose residence is not in an exempt jurisdiction; and

(ii) absentee voters, other than to a uniformed-service voter or an overseas voter, who have submitted a properly filled out and signed absentee voter application before the day on which the ballots are mailed, and enclose an envelope printed as required by Subsection (2).

(2) The election officer shall ensure that:

(a) the name, official title, and post office address of the election officer is printed on the front of the envelope; and

(b) a printed affidavit in substantially the following form is printed on the back of the envelope:

"County of \_\_\_\_\_ State of \_\_\_\_\_

I, \_\_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_\_ voting precinct in \_\_\_\_\_ County, Utah and that I am entitled to vote in that voting precinct at the next election. I am not a convicted felon currently incarcerated for commission of a felony.

---

Signature of Absentee Voter"

(3) If the election officer determines that the absentee voter is required to show valid voter identification, the election officer shall:

(a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

(b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot;

(c) provide the voter clear instructions on how to vote a provisional ballot; and

(d) comply with the requirements of Subsection (2).

Section 18. Section **20A-3-306** is amended to read:

### **20A-3-306. Voting ballot -- Returning ballot.**

(1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the [absentee] voter shall:

(i) complete and sign the affidavit on the envelope;

(ii) mark the votes on the absentee ballot;

(iii) place the voted absentee ballot in the envelope;

(iv) securely seal the envelope; and

(v) attach postage [~~-, unless voting in accordance with Section 20A-3-302,-~~] and deposit

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the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.

(b) ~~Except~~ as provided by Section 20A-1-308, to vote an absentee ballot in person at the office of the election officer, the absent voter shall:

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absent-voter ballot;
- (iii) place the voted absent-voter ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) give the ballot and envelope to the election officer.

(2) ~~Except~~ as provided by Section 20A-1-308, an absentee ballot is not valid unless:

(a) in the case of an absentee ballot that is voted in person, the ballot is:

(i) applied for and cast in person at the office of the appropriate election officer no later than the Thursday before election day; or

(ii) submitted on election day at ~~in~~ a polling location ~~in~~ ~~or~~ the election day voting center for the political subdivision where the absentee voter resides;

(b) in the case of an absentee ballot that is submitted by mail, the ballot is:

(i) clearly postmarked before election day; and

(ii) received in the office of the election officer before noon on the day of the official canvass following the election; or

(c) in the case of a military-overseas ballot, the ballot is submitted in accordance with Section 20A-16-404.

(3) ~~[An absentee]~~ A voter may submit a completed absentee ballot at ~~in~~ a polling location ~~in~~ ~~or~~ an election day voting center for a political subdivision holding the election, if the ~~[absentee]~~ voter resides in the political subdivision.

(4) ~~[An absentee]~~ A voter may submit an incomplete absentee ballot at ~~in~~ a polling location ~~in~~ ~~or~~ an election day voting center for the voting precinct where the voter resides, request that the ballot be declared spoiled, and vote in person.

Section 19. Section ~~20A-3-306.5~~ is amended to read:

### **20A-3-306.5. Emergency absentee ballots.**

(1) As used in this section, "hospitalized voter" means a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution ~~[after the deadline~~

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for filing an application for an absentee ballot established in Section 20A-3-304].

(2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an absentee ballot and vote on election day by following the procedures and requirements of this section.

(3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the election officer's office.

(b) The election officer shall require the person to sign a statement identifying himself or herself and the hospitalized voter.

(4) To vote, the hospitalized voter shall complete the absentee ballot application, complete and sign the application on the absentee ballot envelope, mark ~~[his]~~ the hospitalized voter's votes on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope unless a different method is authorized under Section 20A-1-308.

(5) To be counted, the absentee voter application and the sealed absentee ballot envelope must be returned to the election officer's office ~~[before the polls close on election day unless a different time is authorized under Section 20A-1-308]~~ before noon on the day of the official canvass following the election.

Section 20. Section **20A-3-307** is amended to read:

### **20A-3-307. Receipt and processing of absentee ballot.**

(1) Except as provided in Subsection (2), upon receipt of an envelope containing an absentee ballot, the election officer shall:

(a) enclose the unopened envelope containing the absentee ballot and the written application of the absentee voter in a larger envelope;

(b) seal that envelope and endorse it with:

(i) the name or number of the proper voting precinct;

(ii) the name and official title of the election officer; and

(iii) the words "This envelope contains an absentee ballot and may only be opened on election day at ~~[the polls]~~ an election day voting center or, for an exempt jurisdiction, at the polls while the polls are open."; and

(c) safely keep the envelope locked in a secure place in the election officer's office until ~~[it]~~ the envelope is delivered by the election officer to the proper election judges.

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(2) If the election officer receives envelopes containing absentee ballots too late to transmit them to the election judges on election day, the election officer shall retain those absentee ballots in a safe and secure place until they can be processed as provided in Section 20A-3-309.

(3) (a) Except as provided in Subsection (3)(c), when reasonably possible, the election officer shall deliver or mail valid absentee ballots to the appropriate [~~voting precinct~~] election day voting center's or other polling place's election judges so that [~~they~~] the ballots may be processed [~~at the voting precinct~~] on election day.

(b) If the election officer is unable to determine the ~~{}~~voting precinct~~}~~ or election day voting center to which an absentee ballot should be sent, or if a valid absentee ballot is received too late for delivery on election day to election judges, the election officer shall retain the absentee ballot in a safe place until it can be processed as required by Section 20A-3-309.

(c) When the absentee ballots will be centrally counted, the election officer shall deliver those absentee ballots to the counting center on election day for counting.

Section 21. Section **20A-3-308** is amended to read:

### **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition --**

#### **Notice.**

(1) (a) [~~Voting precinct~~] Election day voting center and voting precinct poll workers shall open envelopes containing absentee ballots that are in their custody on election day at the ~~{}~~polling places~~}~~ or election day voting centers during the time the polls are open as provided in this Subsection (1).

(b) The poll workers shall:

(i) first, open the outer envelope only; and

(ii) compare the signature of the voter on the application with the signature on the affidavit.

(2) (a) The poll workers shall carefully open and remove the absentee voter envelope so as not to destroy the affidavit on the envelope if they find that:

(i) the affidavit is sufficient;

(ii) the signatures correspond; and

(iii) the applicant is registered to vote in ~~{}~~that~~}~~ voting precinct, or a voting precinct assigned to that election day voting center, and has not voted in that election.

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(b) If, after opening the absentee voter envelope, the poll worker finds that a provisional ballot envelope is enclosed, the poll worker shall:

(i) record, in the official register, whether:

(A) the voter included valid voter identification; or

(B) a covered voter, as defined in Section 20A-16-102, did not provide valid voter identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;

(ii) if any type of identification was included, record the type of identification provided by the voter in the appropriate space in the official register;

(iii) record the provisional ballot number on the official register; and

(iv) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.

(c) If the absentee ballot is not a provisional ballot, the poll workers shall:

(i) remove the absentee ballot from the envelope without unfolding it or permitting it to be opened or examined;

(ii) initial the stub in the same manner as for other ballots;

(iii) remove the stub from the ballot;

(iv) deposit the ballot in the ballot box; and

(v) mark the official register and pollbook to show that the voter has voted.

(3) If the poll workers determine that the affidavit is insufficient, or that the signatures do not correspond, or that the applicant is not a registered voter in the voting precinct, they shall:

(a) disallow the vote; and

(b) without opening the absentee voter envelope, mark across the face of the envelope:

(i) "Rejected as defective"; or

(ii) "Rejected as not a registered voter."

(4) The poll workers shall deposit the absentee voter envelope, when the absentee ballot is voted, and the absentee voter envelope with its contents unopened when the absent vote is rejected, in the ballot box containing the ballots.

(5) (a) An election officer shall notify a voter if a poll worker rejects the voter's ballot and specify the reason for the rejection.

(b) An election officer shall give the notice described in Subsection (5)(a) to a voter no

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later than seven days after:

- (i) election day if the election officer receives the ballot before or on election day; and
- (ii) the canvass if the election officer receives the ballot after election day and before

the end of the canvass.

(6) The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

### Section 22. Section 20A-3-601 is amended to read:

#### **20A-3-601. Early voting.**

(1) A person who resides in an exempt jurisdiction and is registered to vote may vote before the election date in accordance with this section.

(2) Except as provided in Section 20A-1-308, the early voting period shall:

- (a) begin on the date that is 14 days before the date of the election; and
- (b) continue through the Friday before the election if the election date is a Tuesday.

(3) Except as provided in Section 20A-1-308, during the early voting period, the election officer:

(a) for a local special election, a municipal primary election, and a municipal general election:

(i) shall conduct early voting on a minimum of four days during each week of the early voting period; and

(ii) shall conduct early voting on the last day of the early voting period; and

(b) for all other elections:

(i) shall conduct early voting on each weekday; and

(ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

(4) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered according to the requirements of this title.

### Section 23. Section 20A-3-602 is amended to read:

#### **20A-3-602. Hours for early voting.**

##### For an exempt jurisdiction:

(1) ~~{Except}~~except as provided in Section 20A-1-308, the election officer shall determine the times for opening and closing the polls for each day of early voting provided

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that:

(a) voting is open for a minimum of four hours during each day that polls are open during the early voting period; and

(b) polls shall close at 5 p.m. on the last day of the early voting period~~[-]; and~~

(2) ~~{Except}~~except as provided in Section 20A-1-308, each registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

Section 24. Section 20A-3-603 is amended to read:

### **20A-3-603. Early voting polling places.**

(1) Except as provided in Section 20A-1-308, for an exempt jurisdiction, the election officer shall designate one or more polling places for early voting, provided that:

(a) at least one polling place is open on each day that polls are open during the early voting period;

(b) each polling place meets the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place are accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

(d) each polling place is located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

(i) can be scheduled for use during early voting hours;

(ii) has the physical facilities necessary to accommodate early voting requirements;

(iii) has adequate space for voting equipment, poll workers, and voters; and

(iv) has adequate security, public accessibility, and parking.

(2) (a) Except as provided in Section 20A-1-308, for an exempt jurisdiction, in the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.

(b) Except as provided in Section 20A-1-308, if an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the

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dates, times, and location of the additional polling place by:

- (i) publishing the notice:
  - (A) in one issue of a newspaper of general circulation in the county; and
  - (B) as required in Section 45-1-101; and
- (ii) posting the notice at the additional polling place.

(3) Except as provided in Section 20A-1-308, for an exempt jurisdiction, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

### Section 25. Section 20A-3-604 is amended to read:

#### **20A-3-604. Notice of time and place of early voting.**

Except as provided in Section 20A-1-308, for an exempt jurisdiction, the election officer shall give notice of the dates, times, and locations of early voting by:

- (1) publishing the notice:
  - (a) in one issue of a newspaper of general circulation in the county at least five calendar days before the date that early voting begins; and
  - (b) in accordance with Section 45-1-101, at least five calendar days before the date that early voting begins; and
- (2) posting the notice at each early voting polling place at least five calendar days before the date early voting begins.

### Section 26. Section 20A-3-605 is amended to read:

#### **20A-3-605. Exemptions from early voting.**

(1) (a) This part does not apply to an election of a board member of a local district.  
(b) Notwithstanding Subsection (1)(a), a local district that is an exempt jurisdiction may, at its discretion, provide early voting in accordance with this part for an election of a board member.

(2) Notwithstanding the requirements of Section 20A-3-601, an exempt jurisdiction that is a municipality of the fifth class or a town as described in Section 10-2-301 may provide early voting as provided under this part for:

- (a) a municipal primary election; or
- (b) a municipal general election.

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~~[(3) A municipality or county that administers an election entirely by absentee ballot, in accordance with Section 20A-3-302, is not required to conduct early voting for the election.]~~

Section ~~{22}~~27. Section **20A-3-702** is amended to read:

### **20A-3-702. Election day voting center -- Hours of operation -- Compliance with Election Code.**

(1) An election officer ~~[may]~~ shall operate an election day voting center in one or more locations designated under Section 20A-3-703.

(2) An election officer shall provide for voting at an election day voting center by:

(a) regular ballot if:

(i) the election day voting center is designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides; and

(ii) the voter is eligible to vote using a regular ballot in accordance with this title;

(b) voting center ballot if:

(i) the election day voting center is not designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides;

(ii) the voter resides within the political subdivision holding the election; and

(iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this title; or

(c) provisional ballot if the voter is only eligible to vote using a provisional ballot in accordance with this title.

(3) An election officer shall ensure that an election day voting center:

(a) is open on election day during the time period specified under Section 20A-1-302;

(b) allows an eligible voter to vote if the voter:

(i) resides within the political subdivision holding an election; and

(ii) arrives at the election day voting center by the designated closing time in accordance with Section 20A-1-302; and

(c) is administered according to the requirements of this title.

(4) A person may submit a completed absentee ballot at an election day voting center for the political subdivision in which the person resides.

(5) A person may submit an incomplete absentee ballot at an election day voting center for the political subdivision in which the person resides, request that the ballot be declared

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spoiled, and vote in person.

Section ~~{23}~~28. Section **20A-3-703** is amended to read:

### **20A-3-703. Election day voting centers as polling places -- Location --**

#### **Notification.**

The election officer [~~may~~] shall:

(1) designate one or more polling places as an election day voting center [~~if~~];

~~{1}~~ (2) [~~the election officer notifies~~] notify the lieutenant governor of the designation and location of an election day voting center at least [~~15~~] 45 days before the election;

~~{2}~~ (3) [~~a polling place~~] ensure that the election day voting center meets the requirements for a polling place under Chapter 5, Election Administration; and

~~{3}~~ (4) [~~a polling place~~] ensure that the election day voting center is located in a government building or office, unless the election officer determines that there is no government building or office available, in the area designated by the election officer, that:

(a) can be scheduled for use during election day voting hours;

(b) has the physical facilities necessary to accommodate election day voting requirements;

(c) has adequate space for voting equipment, poll workers, and voters; and

(d) has adequate security, public accessibility, and parking.

Section ~~{24}~~29. Section **20A-5-605** is amended to read:

### **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;

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- (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

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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~~{ff}~~, or in the case of early voting in an exempt jurisdiction, Section 20A-3-602~~{ff}~~.

(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.

Section ~~{25}~~30. **Repealer.**

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This bill repeals:

Section **20A-3-302, Conducting entire election by absentee ballot.**

~~{~~ ~~Section **20A-3-601, Early voting.**~~

~~—~~ ~~Section **20A-3-602, Hours for early voting.**~~

~~—~~ ~~Section **20A-3-603, Early voting polling places.**~~

~~—~~ ~~Section **20A-3-604, Notice of time and place of early voting.**~~

~~—~~ ~~Section **20A-3-605, Exemptions from early voting.**~~

~~†~~ Section ~~{26}~~31. **Effective date.**

This bill takes effect on ~~{January}~~October 1, 2015.

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**Legislative Review Note**

~~—~~ ~~as of 2-19-14 12:34 PM~~

~~—~~ ~~Office of Legislative Research and General Counsel}~~