

1 **VOTE BY MAIL AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that, except for voting that occurs at an election day voting center on
15 election day, all elections be conducted by absentee ballot;
- 16 ▶ provides that a voter who is not temporarily absent from the voter's voting precinct
17 is not required to submit an application to receive an absentee ballot;
- 18 ▶ establishes procedures for administering and conducting an election described in
19 this bill, including procedures relating to an election day voting center;
- 20 ▶ repeals provisions related to early voting; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill takes effect on January 1, 2015.

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 **17B-1-306**, as last amended by Laws of Utah 2013, Chapters 402 and 448
- 29 **20A-1-302**, as last amended by Laws of Utah 2006, Chapter 264
- 30 **20A-3-104**, as last amended by Laws of Utah 2010, Chapter 197
- 31 **20A-3-104.5**, as last amended by Laws of Utah 2011, Chapter 335
- 32 **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75
- 33 **20A-3-105.5**, as last amended by Laws of Utah 2013, Chapter 390
- 34 **20A-3-106**, as last amended by Laws of Utah 2006, Chapter 326
- 35 **20A-3-107**, as last amended by Laws of Utah 2007, Chapter 75
- 36 **20A-3-108**, as last amended by Laws of Utah 2011, Chapter 366
- 37 **20A-3-109**, as last amended by Laws of Utah 2007, Chapter 75
- 38 **20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388
- 39 **20A-3-202.3**, as enacted by Laws of Utah 2010, Chapter 83
- 40 **20A-3-202.5**, as enacted by Laws of Utah 2010, Chapter 83
- 41 **20A-3-301**, as last amended by Laws of Utah 2013, Chapter 198
- 42 **20A-3-304**, as last amended by Laws of Utah 2013, Chapters 198, 218 and last
- 43 amended by Coordination Clause, Laws of Utah 2013, Chapter 198
- 44 **20A-3-304.1**, as last amended by Laws of Utah 2008, Chapter 382
- 45 **20A-3-305**, as last amended by Laws of Utah 2012, Chapter 309
- 46 **20A-3-306**, as last amended by Laws of Utah 2013, Chapters 198, 219, 320 and last
- 47 amended by Coordination Clause, Laws of Utah 2013, Chapter 198
- 48 **20A-3-306.5**, as last amended by Laws of Utah 2013, Chapter 219
- 49 **20A-3-307**, as last amended by Laws of Utah 2012, Chapter 309
- 50 **20A-3-308**, as last amended by Laws of Utah 2012, Chapter 309
- 51 **20A-3-702**, as last amended by Laws of Utah 2013, Chapter 198
- 52 **20A-3-703**, as enacted by Laws of Utah 2011, Chapter 291
- 53 **20A-5-605**, as last amended by Laws of Utah 2007, Chapter 75
- 54 REPEALS:
- 55 **20A-3-302**, as last amended by Laws of Utah 2013, Chapter 320
- 56 **20A-3-601**, as last amended by Laws of Utah 2013, Chapter 182
- 57 **20A-3-602**, as last amended by Laws of Utah 2013, Chapter 182
- 58 **20A-3-603**, as last amended by Laws of Utah 2013, Chapter 182

59 **20A-3-604**, as last amended by Laws of Utah 2013, Chapter 182

60 **20A-3-605**, as last amended by Laws of Utah 2013, Chapter 320

61

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

63 Section 1. Section **17B-1-306** is amended to read:

64 **17B-1-306. Local district board -- Election procedures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

89 (ii) (A) published in a newspaper of general circulation within the local district at least

90 three but no more than 10 days before the first day for filing a declaration of candidacy; and

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

93 (4) (a) To become a candidate for an elective local district board position, the
94 prospective candidate shall file a declaration of candidacy in person with the local district,
95 during office hours and not later than the close of normal office hours between June 1 and June
96 7 of any odd-numbered year.

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

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

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

103 (B) require the candidate to state whether or not the candidate meets those
104 requirements.

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

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

109 (d) The declaration of candidacy shall substantially comply with the following form:

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

116 (Signed) _____

117 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
118 of _____, _____.

119 (Signed) _____

120 (Clerk or Notary Public)"

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

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

126 (g) If only one candidate files a declaration of candidacy and there is no write-in
127 candidate who complies with Section 20A-9-601, the board, in accordance with Section
128 20A-1-206, may:

- 129 (i) consider the candidate to be elected to the position; and
- 130 (ii) cancel the election.

131 (5) (a) A primary election may be held if:

- 132 (i) the election is authorized by the local district board; and
- 133 (ii) the number of candidates for a particular local board position or office exceeds
134 twice the number of persons needed to fill that position or office.

135 (b) The primary election shall be conducted:

136 (i) on the same date as the municipal primary election, as provided for in Section
137 20A-1-201.5; and

138 (ii) according to the procedures for municipal primary elections provided under Title
139 20A, Election Code.

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

143 (b) (i) Except as provided in Subsection (6)(c) and in accordance with Section
144 20A-6-305, the clerk of each county in which the local district is located shall coordinate the
145 placement of the name of each candidate for local district office in the nonpartisan section of
146 the municipal general election ballot with the municipal election clerk.

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

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

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

154 (B) Each ballot for an election of an irrigation district board member shall be in a
155 nonpartisan format.

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

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

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

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

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

162 and

163 (ii) meet the requirements to vote established by the district.

164 (b) Each voter may vote for as many candidates as there are offices to be filled.

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

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

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

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

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

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

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

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

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

181 **20A-1-302. Opening and closing of polls on election day.**

182 (1) Polls at all [~~elections on the date of the~~] election day voting centers shall, on the

183 day of the election, open at 7 a.m. and [shall] remain open until 8 p.m. of the same day.

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

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

187 **20A-3-104. Manner of voting -- Absentee ballot -- Election day voting center.**

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

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

191 (a) an absentee ballot;

192 (b) a statement that there will be no polling place for voting on the day of election

193 except the election day voting center to which the voter's voting precinct is assigned;

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

196 (d) a business reply mail envelope;

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

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

203 (3) The election officer shall:

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

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

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

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

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

213 (c) If the election officer determines that the signature on the absentee ballot does not

214 match the voter's signature that is maintained on file, the election officer shall:

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

218 (ii) disqualify the initial absentee ballot.

219 (5) For voting at an election day voting center:

220 ~~[(1)]~~ (a) ~~[Any]~~ any registered voter desiring to vote shall give the voter's name, and, if
221 requested, the voter's residence, to one of the poll workers[-];

222 (b) ~~[The]~~ the voter shall present valid voter identification to one of the poll workers[-];

223 (c) ~~[If]~~ if the poll worker is not satisfied that the voter has presented valid voter
224 identification, the poll worker shall:

225 (i) indicate on the official register that the voter was not properly identified;

226 (ii) issue the voter a provisional ballot;

227 (iii) notify the voter that the voter will have until the close of normal office hours on
228 Monday after the day of the election to present valid voter identification:

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

230 (B) to an election officer who is administering the election; and

231 (iv) follow the procedures and requirements of Section 20A-3-105.5[-]; and

232 (d) ~~[If the person's]~~ if the voter's right to vote is challenged as provided in Section
233 20A-3-202, the poll worker shall follow the procedures and requirements of Section
234 20A-3-105.5.

235 ~~[(2)]~~ (6) For voting at an election day voting center:

236 (a) ~~[The]~~ the poll worker in charge of the official register shall check the official
237 register to determine whether or not a person is registered to vote[-]; and

238 (b) ~~[If the voter's]~~ if the person's name is not found on the official register, the poll
239 worker shall follow the procedures and requirements of Section 20A-3-105.5.

240 ~~[(3)]~~ ~~[If]~~ (7) For voting at an election day voting center, if the poll worker determines
241 that the voter is registered and:

242 (a) if the ballot is a paper ballot or a ballot sheet:

243 (i) the poll worker in charge of the official register shall:

244 (A) write the ballot number opposite the name of the voter in the official register; and

- 245 (B) direct the voter to sign the voter's name in the election column in the official
 246 register;
- 247 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
 248 and
- 249 (iii) the poll worker having charge of the ballots shall:
- 250 (A) endorse the poll worker's initials on the stub;
- 251 (B) check the name of the voter on the pollbook list with the number of the stub;
- 252 (C) hand the voter a ballot; and
- 253 (D) allow the voter to enter the voting booth; or
- 254 (b) if the ballot is an electronic ballot:
- 255 (i) the poll worker in charge of the official register shall direct the voter to sign the
 256 voter's name in the official register;
- 257 (ii) another poll worker shall list the voter's name in the pollbook; and
- 258 (iii) the poll worker having charge of the ballots shall:
- 259 (A) provide the voter access to the electronic ballot; and
- 260 (B) allow the voter to vote the electronic ballot.
- 261 ~~[(4)]~~ (8) Whenever the election officer is required to furnish more than one kind of
 262 official ballot to ~~[the voting precinct]~~ an election day voting center, the poll workers of that
 263 ~~[voting precinct]~~ election day voting center shall give the registered voter the kind of ballot that
 264 the voter is qualified to vote.
- 265 Section 4. Section **20A-3-104.5** is amended to read:
- 266 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**
 267 **Primary.**
- 268 (1) For voting at an election day voting center:
- 269 (a) ~~[Any]~~ any registered voter desiring to vote at the regular primary election or Utah's
 270 Western States Presidential Primary shall give the voter's name, the name of the registered
 271 political party whose ballot the voter wishes to vote, and, if requested, the voter's residence, to
 272 one of the poll workers[-];
- 273 (b) ~~[The]~~ the voter shall present valid voter identification to one of the poll workers[-];
- 274 and
- 275 (c) (i) ~~[The]~~ the poll worker shall follow the procedures and requirements of Section

276 20A-3-105.5 if:

277 (A) the poll worker is not satisfied that the voter presented valid voter identification; or

278 (B) the voter's right to vote is challenged under Section 20A-3-202[-]; and

279 (ii) [~~The~~] the poll worker shall notify a voter casting a provisional ballot under Section

280 20A-3-105.5 because of failure to present valid voter identification that the voter has until the

281 close of normal office hours on Monday after the day of the election to[~~-(A)~~] present valid

282 voter identification to:

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

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

285 (2) For voting at an election day voting center:

286 (a) (i) [~~Hf~~] if the voter is properly identified, the poll worker in charge of the official

287 register shall check the official register to determine:

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

289 (B) whether or not the voter's party affiliation designation in the official register allows

290 the voter to vote the ballot that the voter requested[-]; and

291 (ii) [~~Hf~~] if the official register does not affirmatively identify the voter as being

292 affiliated with a registered political party or if the official register identifies the voter as being

293 "unaffiliated," the voter shall be considered to be "unaffiliated[-]";

294 (b) (i) [~~Except~~] except as provided in Subsection (2)(b)(ii), if the voter's name is not

295 found on the official register, the poll worker shall follow the procedures and requirements of

296 Section 20A-3-105.5[-]; and

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

298 attempt to contact the county clerk's office to request oral verification of the voter's

299 registration[-]; and

300 (B) [~~Hf~~] if oral verification is received from the county clerk's office, the poll worker

301 shall:

302 (I) record the verification on the official register;

303 (II) determine the voter's party affiliation and the ballot that the voter is qualified to

304 vote; and

305 (III) perform the other administrative steps required by Subsection (3)[-]; and

306 (c) (i) [~~Except~~] except as provided in Subsection (2)(c)(ii), if the voter's political party

307 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
308 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot
309 or ballots that the voter's party affiliation does allow the voter to vote[-]; and

310 (ii) (A) [Hf] if the voter is listed in the official register as "unaffiliated," or if the official
311 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
312 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
313 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
314 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
315 remain "unaffiliated[-]";

316 (B) [Hf] if the voter wishes to vote another registered political party ballot that the
317 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
318 (3)[-]; and

319 (C) [Hf] if the voter wishes to remain unaffiliated and does not wish to vote another
320 ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that
321 the voter may not vote.

322 (3) [Hf] For voting at an election day voting center, if the poll worker determines that
323 the voter is registered and eligible, under Subsection (2), to vote the ballot that the voter
324 requested and:

325 (a) if the ballot is a paper ballot or a ballot sheet:

326 (i) the poll worker in charge of the official register shall:

327 (A) write the ballot number and the name of the registered political party whose ballot
328 the voter voted opposite the name of the voter in the official register; and

329 (B) direct the voter to sign the voter's name in the election column in the official
330 register;

331 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
332 and

333 (iii) the poll worker having charge of the ballots shall:

334 (A) endorse the voter's initials on the stub;

335 (B) check the name of the voter on the pollbook list with the number of the stub;

336 (C) hand the voter the ballot for the registered political party that the voter requested
337 and for which the voter is authorized to vote; and

338 (D) allow the voter to enter the voting booth; or
339 (b) if the ballot is an electronic ballot:
340 (i) the poll worker in charge of the official register shall direct the voter to sign the
341 voter's name in the official register;
342 (ii) another poll worker shall list the voter's name in the pollbook; and
343 (iii) the poll worker having charge of the ballots shall:
344 (A) provide the voter access to the electronic ballot for the registered political party
345 that the voter requested and for which the voter is authorized to vote; and
346 (B) allow the voter to vote the electronic ballot.
347 (4) Whenever the election officer is required to furnish more than one kind of official
348 ballot to ~~[the voting precinct]~~ an election day voting center, the poll workers of that ~~[voting~~
349 ~~precinct]~~ election day voting center shall give the registered voter the kind of ballot that the
350 voter is qualified to vote.

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

352 **20A-3-105. Marking and depositing ballots.**

353 For voting at an election day voting center:

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

- 369 (iii) [~~If~~] if the voter is issued a ballot sheet with a secrecy envelope, the voter shall
370 record any write-in votes on the secrecy envelope[-:];
- 371 (b) [~~After~~] after the voter has marked the ballot sheet, the voter shall either:
372 (i) place the ballot sheet inside the secrecy envelope, if one is provided; or
373 (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the
374 vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope[-:]; or
- 375 (c) [~~If~~] if the ballot is a provisional ballot, the voter shall place the ballot sheet in the
376 provisional ballot envelope and complete the information printed on the envelope[-:];
- 377 (3) (a) [~~If~~] if a ballot sheet other than a punch card is used, the voter shall mark the
378 ballot sheet according to the instructions provided on the voting device or ballot sheet[-:];
- 379 (b) [~~The~~] the voter shall record a write-in vote by:
380 (i) marking the position opposite the area for entering a write-in candidate; and
381 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
382 for by means of:
383 (A) writing;
384 (B) a label; or
385 (C) entering the name using the voting device[-:]; and
- 386 (c) [~~If~~] if the ballot is a provisional ballot, the voter shall place the ballot sheet in the
387 provisional ballot envelope and complete the information printed on the envelope[-:];
- 388 (4) (a) [~~If~~] if an electronic ballot is used, the voter shall:
389 (i) insert the ballot access card into the voting device; and
390 (ii) make the selections according to the instructions provided on the device[-:]; and
- 391 (b) [~~The~~] the voter shall record a write-in vote by:
392 (i) marking the appropriate position opposite the area for entering a write-in candidate;
393 and
394 (ii) using the voting device to enter the name of the valid write-in candidate for whom
395 the voter wishes to vote[-:];
- 396 (5) [~~After~~] after preparation of the ballot:
397 (a) if a paper ballot or punch card ballot is used:
398 (i) the voter shall:
399 (A) leave the voting booth; and

400 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;

401 (ii) the poll worker in charge of the ballot box shall:

402 (A) clearly and audibly announce the name of the voter and the number on the stub of
403 the voter's ballot;

404 (B) if the stub number on the ballot corresponds with the number previously recorded
405 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;
406 and

407 (C) return the ballot to the voter;

408 (iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by
409 depositing the ballot in the ballot box; and

410 (iv) if the stub has been detached from the ballot:

411 (A) the poll worker may not accept the ballot; and

412 (B) the poll worker shall:

413 (I) treat the ballot as a spoiled ballot;

414 (II) provide the voter with a new ballot; and

415 (III) dispose of the spoiled ballot as provided in Section [20A-3-107](#);

416 (b) if a ballot sheet other than a punch card is used:

417 (i) the voter shall:

418 (A) leave the voting booth; and

419 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;

420 (ii) the poll worker in charge of the ballot box shall:

421 (A) clearly and audibly announce the name of the voter and the number on the stub of
422 the voter's ballot; and

423 (B) if the stub number on the ballot corresponds with the number previously recorded
424 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
425 and

426 (iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by
427 depositing the ballot in the ballot box; and

428 (c) if an electronic ballot is used, the voter shall:

429 (i) cast the voter's ballot;

430 (ii) remove the ballot access card from the voting device; and

- 431 (iii) return the ballot access card to a designated poll worker[-];
- 432 (6) [~~A~~] a voter voting a paper ballot in a regular primary election shall, after marking
433 the ballot:
- 434 (a) (i) if the ballot is designed so that the names of all candidates for all political parties
435 are on the same ballot, detach the part of the paper ballot containing the names of the
436 candidates of the party he has voted from the remainder of the paper ballot;
- 437 (ii) fold that portion of the paper ballot so that its face is concealed; and
- 438 (iii) deposit it in the ballot box; and
- 439 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of
440 the parties that the elector did not vote; and
- 441 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot
442 box[-];
- 443 (7) (a) [~~Each~~] each voter shall mark and cast or deposit the ballot without delay and
444 shall leave the voting area after voting[-]; and
- 445 (b) [~~A~~] a voter may not:
- 446 (i) occupy a voting booth occupied by another, except as provided in Section
447 [20A-3-108](#);
- 448 (ii) remain within the voting area more than 10 minutes; or
- 449 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
450 voters are waiting to occupy them[-];
- 451 (8) [~~H~~] if the official register shows any voter as having voted, that voter may not
452 reenter the voting area during that election unless that voter is an election official or watcher[-];
453 and
- 454 (9) [~~The~~] the poll workers may not allow more than four voters more than the number
455 of voting booths into the voting area at one time unless those excess voters are:
- 456 (a) election officials;
- 457 (b) watchers; or
- 458 (c) assisting voters with a disability.
- 459 Section 6. Section **20A-3-105.5** is amended to read:
- 460 **20A-3-105.5. Manner of voting -- Provisional ballot.**
- 461 For voting at an election day voting center:

462 (1) [~~The~~] the poll workers shall follow the procedures and requirements of this section
463 when:

464 (a) the person's right to vote is challenged as provided in Section [20A-3-202](#) or
465 [20A-3-202.5](#);

466 (b) the person's name is not found on the official register; or

467 (c) the poll worker is not satisfied that the voter has provided valid voter
468 identification[-];

469 (2) [~~When~~] when faced with one of the circumstances outlined in Subsection (1)(a) or
470 (b), the poll worker shall:

471 (a) request that the person provide valid voter identification; and

472 (b) review the identification provided by the person[-];

473 (3) [~~If~~] if the poll worker is satisfied that the person has provided valid voter
474 identification that establishes the person's identity and residence in the voting precinct or
475 within the county:

476 (a) the poll worker in charge of the official register shall:

477 (i) record in the official register the type of identification that established the person's
478 identity and place of residence;

479 (ii) write the provisional ballot envelope number opposite the name of the voter in the
480 official register; and

481 (iii) direct the voter to sign [~~his~~] the voter's name in the election column in the official
482 register;

483 (b) another poll worker shall list the ballot number and voter's name in the pollbook;

484 and

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

486 (i) endorse [~~his~~] the poll worker's initials on the stub;

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

488 (iii) give the voter a ballot and a provisional ballot envelope; and

489 (iv) allow the voter to enter the voting booth[-];

490 (4) [~~If~~] if the poll worker is not satisfied that the voter has provided valid voter
491 identification that establishes the person's identity and residence in the voting precinct or
492 within the county:

- 493 (a) the poll worker in charge of the official register shall:
- 494 (i) record in the official register that the voter did not provide valid voter identification;
- 495 (ii) record in the official register the type of identification that was provided by the
- 496 voter, if any;
- 497 (iii) write the provisional ballot envelope number opposite the name of the voter in the
- 498 official register; and
- 499 (iv) direct the voter to sign his name in the election column in the official register;
- 500 (b) another poll worker shall list the ballot number and voter's name in the pollbook;
- 501 and
- 502 (c) the poll worker having charge of the ballots shall:
- 503 (i) endorse [~~his~~] the poll worker's initials on the stub;
- 504 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 505 (iii) give the voter a ballot and a provisional ballot envelope; and
- 506 (iv) allow the voter to enter the voting booth[-]; and
- 507 (5) [~~Whenever~~] whenever the election officer is required to furnish more than one kind
- 508 of official ballot to [~~a voting precinct~~] an election day voting center, the poll workers of that
- 509 [~~voting precinct~~] election day voting center shall give the registered voter the kind of ballot that
- 510 the voter is qualified to vote.

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

512 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**

513 **of unnecessary marking of cross.**

514 For voting at an election day voting center:

- 515 (1) [~~When~~] when voting a paper ballot, any voter desiring to vote for all the candidates
- 516 from any one registered political party may:
- 517 (a) mark in the circle or position above that political party;
- 518 (b) mark in the squares or position opposite the names of all candidates for that party
- 519 ticket; or
- 520 (c) make both markings[-];
- 521 (2) (a) [~~When~~] when voting a ballot sheet, any voter desiring to vote for all the
- 522 candidates from any one registered political party may:
- 523 (i) mark the selected party on the straight party page or section; or

- 524 (ii) mark the name of each candidate from that party~~[-];~~ and
- 525 (b) ~~[To]~~ to vote for candidates from two or more political parties, the voter may:
- 526 (i) mark in the squares or positions opposite the names of the candidates for whom the
- 527 voter wishes to vote without marking in any circle; or
- 528 (ii) indicate ~~[his]~~ the voter's choice by marking in the circle or position above one
- 529 political party and marking in the squares or positions opposite the names of desired
- 530 candidates~~[-];~~
- 531 (3) (a) ~~[When]~~ when voting an electronic ballot, any voter desiring to vote for all the
- 532 candidates from any one registered political party may:
- 533 (i) select that party on the straight party selection area; or
- 534 (ii) select the name of each candidate from that party~~[-];~~ and
- 535 (b) ~~[To]~~ to vote for candidates from two or more political parties, the voter may:
- 536 (i) select the names of the candidates for whom the voter wishes to vote without
- 537 selecting a political party in the straight party selection area; or
- 538 (ii) select a political party in the straight party selection area and select the names of the
- 539 candidates for whom the voter wishes to vote~~[-];~~
- 540 (4) ~~[In]~~ in any election other than a primary election, if a voter voting a ballot has
- 541 selected or placed a mark next to a party name in order to vote a straight party ticket and wishes
- 542 to vote for a person on another party ticket for an office, the voter shall select or mark the ballot
- 543 next to the name of the candidate for whom the voter wishes to vote~~[-];~~
- 544 (5) (a) ~~[The]~~ the voter may cast a write-in vote on a paper ballot or ballot sheet:
- 545 (i) by entering the name of a valid write-in candidate:
- 546 (A) by writing the name of a valid write-in candidate in the blank write-in section of
- 547 the ballot; or
- 548 (B) by affixing a sticker with the office and name of the valid write-in name printed on
- 549 it in the blank write-in part of the ballot; and
- 550 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's
- 551 vote~~[-];~~
- 552 (b) ~~[On]~~ on a paper ballot or ballot sheet, a voter is considered to have voted for the
- 553 person whose name is written or whose sticker appears in the blank write-in part of the ballot,
- 554 if a mark is made opposite that name~~[-];~~ and

555 (c) ~~[On]~~ on a paper ballot or ballot sheet, the unnecessary marking of a mark in a
 556 square on the ticket below the marked circle does not affect the validity of the vote[-]; and

557 (6) ~~[The]~~ the voter may cast a write-in vote on an electronic ballot by:

558 (a) marking the appropriate position opposite the area for entering a write-in candidate
 559 for the office sought by the candidate for whom the voter wishes to vote; and

560 (b) entering the name of a valid write-in candidate in the write-in selection area.

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

562 **20A-3-107. No ballots may be taken away -- Spoiled ballots.**

563 For voting at an election day voting center:

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

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

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

570 (4) ~~[The]~~ the poll worker shall:

571 (a) immediately write the word "spoiled" across the face of the ballot; and

572 (b) place the ballot in the envelope for spoiled ballots.

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

574 **20A-3-108. Assisting disabled, illiterate, or blind voters.**

575 For voting at an election day voting center:

576 (1) ~~[Any]~~ any voter who has a disability, ~~[or]~~ who is blind, who is unable to read or
 577 write, including unable to read or write the English language, or who is physically unable to
 578 enter a polling place[-] may be given assistance by a person of the voter's choice[-];

579 (2) ~~[The]~~ the person providing assistance may not be:

580 (a) the voter's employer;

581 (b) an agent of the employer;

582 (c) an officer or agent of the voter's union; or

583 (d) a candidate[-];

584 (3) ~~[The]~~ the person providing assistance may not request, persuade, or otherwise
 585 induce the voter to vote for or vote against any particular candidate or issue or release any

586 information regarding the voter's selection[-]; and

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

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

590 **20A-3-109. Instructions to voters.**

591 For voting at an election day voting center:

592 (1) [~~If~~] if any voter, after entering the voting booth, asks for further instructions
593 concerning the manner of voting, two poll workers, each from a different political party, shall
594 instruct the voter[-];

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

597 (3) [~~A~~] a poll worker instructing a voter about the voting process may not request,
598 suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any
599 particular candidate, or for or against any ballot proposition.

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

601 **20A-3-201. Watchers.**

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

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

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

615 (b) (i) For each municipal general election, municipal primary, local special election, or
616 bond election that uses paper ballots, each candidate and any person interested in an issue

617 appearing on the ballot may appoint one person to act as a voting poll watcher at an election
618 day voting center to observe the casting of ballots, another person to act as a counting poll
619 watcher to observe the counting of ballots, and another person to act as an inspecting poll
620 watcher to inspect the condition and observe the securing of ballot packages.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

662 **20A-3-202.3. Pre-election challenges to a voter's eligibility in writing -- Procedure**
663 **-- Form of challenge.**

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

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

669 (ii) for each voter who is challenged:

670 (A) identifies the name of the challenged voter;

671 (B) lists the last known address or telephone number of the challenged voter;

672 (C) provides the basis for the challenge, as provided under Section 20A-3-202; and

673 (D) provides facts and circumstances supporting the basis provided; and

674 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

714 **20A-3-202.5. Challenges to a voter's eligibility at time of voting -- Procedure.**

715 For voting at an election day voting center:

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

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

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

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

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

726 (a) the name of the challenged voter;

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

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

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

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

732 **20A-3-301. Voting in person.**

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

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

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

737 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

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

740 [~~(+)~~] (2) (a) [~~Any~~] A registered voter who is temporarily outside of the voter's voting

741 precinct and who wishes to vote an absentee ballot may [~~either: (i)~~] file an absentee ballot
742 application:

743 [~~(A)~~] (i) on the electronic system maintained by the lieutenant governor under Section
744 20A-2-206; or

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

747 [~~(ii) vote in person at the office of the appropriate election officer as provided in~~
748 ~~Section 20A-3-306.~~]

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

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

753 or

754 (ii) the Thursday before the next election.

755 [~~(2)~~] (3) As it relates to an absentee ballot application to be filled out entirely by the
756 voter:

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

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

762 Date _____ (month\day\year) Signed _____

763 _____
Voter"; and

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

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

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

772 Dated _____ (month\day\year) ____ Signed _____

773 Voter"

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

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

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

778 [~~3~~] (4) As it relates to an absentee ballot application to be filled out for, and finished
779 and signed by, a voter:

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

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

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

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

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

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

792 OR

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

795 Date _____ (month\day\year) Signed _____

796 Voter"; and

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

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

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

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

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

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

811 OR

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

814 Dated _____ (month\day\year) ____ Signed _____

815 Voter"

816 [~~(4)~~] (5) The forms described in Subsections [~~(2)~~] (3) and [~~(3)~~] (4) shall contain
 817 instructions on how a voter may cancel an absentee ballot application.

818 [~~(5)~~] (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who [~~wishes to~~
 819 ~~vote by~~] applies for an absentee ballot under this section shall file the application [~~for an~~
 820 ~~absentee ballot~~] with the lieutenant governor or appropriate election officer no later than the
 821 Thursday before election day.

822 [~~(6)~~] (7) (a) A county clerk may establish a permanent absentee voter list.

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

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

825 (ii) meets the requirements of this section.

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

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

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

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

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

833 (d) The clerk shall provide a copy of the permanent absentee voter list to election

834 officers for use in elections.

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

836 **20A-3-304.1. Election officer to provide voting history information and status.**

837 (1) As used in this section:

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

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

843 (2) (a) Each election officer shall maintain, in the election officer's office, a voting
844 history record of those voters ~~[that]~~ who have cast a vote by~~[-(i)]~~ absentee ballot~~[-and]~~.
845 ~~[(ii) early voting.]~~

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

848 (3) The election officer shall ensure that the voting history record for each voting
849 precinct contains~~[-(a)]~~, for absentee voting:

850 ~~[(i)]~~ (a) the name and address of each person who has filed a qualified absentee ballot
851 application;

852 ~~[(ii)]~~ (b) the date that the application was received; ~~[and]~~

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

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

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

857 and

858 ~~[(b) for early voting:]~~

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

860 ~~and]~~

861 ~~[(ii) the date the person's vote was cast.]~~

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

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

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

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

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

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

875 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**
876 **Affidavit.**

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

- 879 (i) give the applicant an official absentee ballot and envelope to vote in the office; or
880 (ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
881 envelope printed as required in Subsection (2).

882 (b) Twenty-eight days before election day, the election officer shall mail an official
883 absentee ballot, postage paid, to all voters, including absentee voters, other than to a
884 uniformed-service voter or an overseas voter, who have submitted a properly filled out and
885 signed absentee voter application before the day on which the ballots are mailed, and enclose
886 an envelope printed as required by Subsection (2).

887 (2) The election officer shall ensure that:

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

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

892 "County of _____ State of _____

893 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
894 in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election.

895 I am not a convicted felon currently incarcerated for commission of a felony.

896
897 _____
Signature of Absentee Voter"

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

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

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

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

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

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

906 **20A-3-306. Voting ballot -- Returning ballot.**

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

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

910 (ii) mark the votes on the absentee ballot;

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

912 (iv) securely seal the envelope; and

913 (v) attach postage[~~; unless voting in accordance with Section 20A-3-302;~~] and deposit
914 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
915 obtained.

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

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

919 (ii) mark the votes on the absent-voter ballot;

920 (iii) place the voted absent-voter ballot in the envelope;

921 (iv) securely seal the envelope; and

922 (v) give the ballot and envelope to the election officer.

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

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

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

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

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

930 (i) clearly postmarked before election day; and

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

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

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

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

941 Section 19. Section [20A-3-306.5](#) is amended to read:

942 **[20A-3-306.5. Emergency absentee ballots.](#)**

943 (1) As used in this section, "hospitalized voter" means a registered voter who is
944 hospitalized or otherwise confined to a medical or long-term care institution [~~after the deadline~~
945 ~~for filing an application for an absentee ballot established in Section [20A-3-304](#)].~~

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

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

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

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

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

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

963 **20A-3-307. Receipt and processing of absentee ballot.**

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

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

968 (b) seal that envelope and endorse it with:

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

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

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

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

975 (2) If the election officer receives envelopes containing absentee ballots too late to
976 transmit them to the election judges on election day, the election officer shall retain those
977 absentee ballots in a safe and secure place until they can be processed as provided in Section
978 **20A-3-309**.

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

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

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

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

990 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition --**

991 **Notice.**

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

995 (1).

996 (b) The poll workers shall:

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

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

1000 (2) (a) The poll workers shall carefully open and remove the absentee voter envelope
1001 so as not to destroy the affidavit on the envelope if they find that:

1002 (i) the affidavit is sufficient;

1003 (ii) the signatures correspond; and

1004 (iii) the applicant is registered to vote in [~~that~~] a voting precinct assigned to that
1005 election day voting center and has not voted in that election.

1006 (b) If, after opening the absentee voter envelope, the poll worker finds that a
1007 provisional ballot envelope is enclosed, the poll worker shall:

1008 (i) record, in the official register, whether:

1009 (A) the voter included valid voter identification; or

1010 (B) a covered voter, as defined in Section [20A-16-102](#), did not provide valid voter
1011 identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;

1012 (ii) if any type of identification was included, record the type of identification provided
1013 by the voter in the appropriate space in the official register;

1014 (iii) record the provisional ballot number on the official register; and

1015 (iv) place the provisional ballot envelope with the other provisional ballot envelopes to
1016 be transmitted to the county clerk.

1017 (c) If the absentee ballot is not a provisional ballot, the poll workers shall:

1018 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to
1019 be opened or examined;

- 1020 (ii) initial the stub in the same manner as for other ballots;
- 1021 (iii) remove the stub from the ballot;
- 1022 (iv) deposit the ballot in the ballot box; and
- 1023 (v) mark the official register and pollbook to show that the voter has voted.

1024 (3) If the poll workers determine that the affidavit is insufficient, or that the signatures
1025 do not correspond, or that the applicant is not a registered voter in the voting precinct, they
1026 shall:

- 1027 (a) disallow the vote; and
- 1028 (b) without opening the absentee voter envelope, mark across the face of the envelope:
 - 1029 (i) "Rejected as defective"; or
 - 1030 (ii) "Rejected as not a registered voter."

1031 (4) The poll workers shall deposit the absentee voter envelope, when the absentee
1032 ballot is voted, and the absentee voter envelope with its contents unopened when the absent
1033 vote is rejected, in the ballot box containing the ballots.

1034 (5) (a) An election officer shall notify a voter if a poll worker rejects the voter's ballot
1035 and specify the reason for the rejection.

1036 (b) An election officer shall give the notice described in Subsection (5)(a) to a voter no
1037 later than seven days after:

- 1038 (i) election day if the election officer receives the ballot before or on election day; and
- 1039 (ii) the canvass if the election officer receives the ballot after election day and before
1040 the end of the canvass.

1041 (6) The election officer shall retain and preserve the absentee voter envelopes in the
1042 manner provided by law for the retention and preservation of official ballots voted at that
1043 election.

1044 Section 22. Section **20A-3-702** is amended to read:

1045 **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**
1046 **Election Code.**

1047 (1) An election officer ~~may~~ shall operate an election day voting center in one or more
1048 locations designated under Section [20A-3-703](#).

1049 (2) An election officer shall provide for voting at an election day voting center by:

- 1050 (a) regular ballot if:

1051 (i) the election day voting center is designated under Section 20A-5-403 as the polling
1052 place for the voting precinct in which the voter resides; and

1053 (ii) the voter is eligible to vote using a regular ballot in accordance with this title;

1054 (b) voting center ballot if:

1055 (i) the election day voting center is not designated under Section 20A-5-403 as the
1056 polling place for the voting precinct in which the voter resides;

1057 (ii) the voter resides within the political subdivision holding the election; and

1058 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this
1059 title; or

1060 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
1061 accordance with this title.

1062 (3) An election officer shall ensure that an election day voting center:

1063 (a) is open on election day during the time period specified under Section 20A-1-302;

1064 (b) allows an eligible voter to vote if the voter:

1065 (i) resides within the political subdivision holding an election; and

1066 (ii) arrives at the election day voting center by the designated closing time in
1067 accordance with Section 20A-1-302; and

1068 (c) is administered according to the requirements of this title.

1069 (4) A person may submit a completed absentee ballot at an election day voting center
1070 for the political subdivision in which the person resides.

1071 (5) A person may submit an incomplete absentee ballot at an election day voting center
1072 for the political subdivision in which the person resides, request that the ballot be declared
1073 spoiled, and vote in person.

1074 Section 23. Section 20A-3-703 is amended to read:

1075 **20A-3-703. Election day voting centers as polling places -- Location --**
1076 **Notification.**

1077 The election officer ~~may~~ shall:

1078 (1) designate one or more polling places as an election day voting center ~~if~~;

1079 ~~(1)~~ (2) ~~[the election officer notifies]~~ notify the lieutenant governor of the designation
1080 and location of an election day voting center at least ~~[15]~~ 45 days before the election;

1081 ~~(2)~~ (3) ~~[a polling place]~~ ensure that the election day voting center meets the

1082 requirements for a polling place under Chapter 5, Election Administration; and
1083 ~~[(3)]~~ (4) ~~[a polling place]~~ ensure that the election day voting center is located in a
1084 government building or office, unless the election officer determines that there is no
1085 government building or office available, in the area designated by the election officer, that:

- 1086 (a) can be scheduled for use during election day voting hours;
1087 (b) has the physical facilities necessary to accommodate election day voting
1088 requirements;
1089 (c) has adequate space for voting equipment, poll workers, and voters; and
1090 (d) has adequate security, public accessibility, and parking.

1091 Section 24. Section **20A-5-605** is amended to read:

1092 **20A-5-605. Duties of poll workers.**

- 1093 (1) Poll workers shall:
1094 (a) arrive at the polling place at a time determined by the election officer; and
1095 (b) remain until the official election returns are prepared for delivery.
1096 (2) The election officer may designate:
1097 (a) certain poll workers to act as election judges;
1098 (b) an election judge to act as the presiding election judge; and
1099 (c) certain poll workers to act as clerks.
1100 (3) Upon their arrival to open the polls, the poll workers shall:
1101 (a) if the election officer has not designated which poll workers at a polling place are
1102 assigned to act as election judges, as presiding election judge, or as clerks:
1103 (i) designate two poll workers to act as election judges as necessary;
1104 (ii) determine which election judge shall preside as necessary; and
1105 (iii) determine which poll workers shall act as clerks as necessary;
1106 (b) select one or more of their number to deliver the election returns to the election
1107 officer or to the place that the election officer designates;
1108 (c) display the United States flag;
1109 (d) examine the voting devices to see that they are in proper working order and that
1110 security devices have not been tampered with;
1111 (e) place the voting devices, voting booths, and the ballot box in plain view of those
1112 poll workers and watchers that are present;

- 1113 (f) for paper ballots and ballot sheets, open the ballot packages in the presence of all
1114 the poll workers;
- 1115 (g) check the ballots, supplies, records, and forms;
- 1116 (h) if directed to do so by the election officer:
- 1117 (i) make any necessary corrections to the official ballots before they are distributed at
1118 the polls; and
- 1119 (ii) post any necessary notice of errors in electronic ballots before voting commences;
- 1120 (i) post the sample ballots, instructions to voters, and constitutional amendments, if
1121 any; and
- 1122 (j) open the ballot box in the presence of those assembled, turn it upside down to empty
1123 it of anything, and then, immediately before polls open, lock it, or if locks and keys are not
1124 available, tape it securely.
- 1125 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or
1126 refuses to act:
- 1127 (i) at least six qualified electors from the voting precinct who are present at the polling
1128 place at the hour designated by law for the opening of the polls shall fill the vacancy by
1129 appointing another qualified person from the voting precinct who is a member of the same
1130 political party as the poll worker who is being replaced to act as a poll worker; or
- 1131 (ii) the election officer shall appoint a qualified person to act as a poll worker.
- 1132 (b) If a majority of the poll workers are present, they shall open the polls, even though
1133 a poll worker has not arrived.
- 1134 (5) (a) If it is impossible or inconvenient to hold an election at the polling place
1135 designated, the poll workers, after having assembled at or as near as practicable to the
1136 designated place, and before receiving any vote, may move to the nearest convenient place for
1137 holding the election.
- 1138 (b) If the poll workers move to a new polling place, they shall display a proclamation
1139 of the change and station a peace officer or some other proper person at the original polling
1140 place to notify voters of the location of the new polling place.
- 1141 (6) If the poll worker who received delivery of the ballots produces packages of
1142 substitute ballots accompanied by a written and sworn statement of the election officer that the
1143 ballots are substitute ballots because the original ballots were not received, were destroyed, or

1144 were stolen, the poll workers shall use those substitute ballots as the official election ballots.

1145 (7) If, for any reason, none of the official or substitute ballots are ready for distribution
1146 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll
1147 workers may use unofficial ballots, made as nearly as possible in the form of the official ballot,
1148 until substitutes prepared by the election officer are printed and delivered.

1149 (8) When it is time to open the polls, one of the poll workers shall announce that the
1150 polls are open as required by Section 20A-1-302[, or in the case of early voting, Section
1151 20A-3-602].

1152 (9) (a) The poll workers shall comply with the voting procedures and requirements of
1153 Title 20A, Chapter 3, Voting, in allowing people to vote.

1154 (b) The poll workers may not allow any person, other than election officials and those
1155 admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

1156 (c) Besides the poll workers and watchers, the poll workers may not allow more than
1157 four voters in excess of the number of voting booths provided within six feet of voting devices,
1158 voting booths, and the ballot box.

1159 (d) If necessary, the poll workers shall instruct each voter about how to operate the
1160 voting device before the voter enters the voting booth.

1161 (e) (i) If the voter requests additional instructions after entering the voting booth, two
1162 poll workers may, if necessary, enter the booth and give the voter additional instructions.

1163 (ii) In regular general elections and regular primary elections, the two poll workers who
1164 enter the voting booth to assist the voter shall be of different political parties.

1165 Section 25. **Repealer.**

1166 This bill repeals:

1167 Section 20A-3-302, **Conducting entire election by absentee ballot.**

1168 Section 20A-3-601, **Early voting.**

1169 Section 20A-3-602, **Hours for early voting.**

1170 Section 20A-3-603, **Early voting polling places.**

1171 Section 20A-3-604, **Notice of time and place of early voting.**

1172 Section 20A-3-605, **Exemptions from early voting.**

1173 Section 26. **Effective date.**

1174 This bill takes effect on January 1, 2015.

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