

**BALLOT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to ballots.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "ticket";
- ▶ amends provisions relating to ballot format and content; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 20A-1-102**, as last amended by Laws of Utah 2015, Chapters 296, 352, and 392
- 20A-6-101**, as last amended by Laws of Utah 2014, Chapter 169
- 20A-6-102**, as last amended by Laws of Utah 2014, Chapter 169
- 20A-6-301**, as last amended by Laws of Utah 2015, Chapter 392
- 20A-6-303**, as last amended by Laws of Utah 2015, Chapter 296
- 20A-6-304**, as last amended by Laws of Utah 2015, Chapter 296
- 20A-9-406**, as last amended by Laws of Utah 2015, Chapter 296

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

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

**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.

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

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

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

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

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

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

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

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

46 (b) a constitutional amendment;

47 (c) an initiative;

48 (d) a referendum;

49 (e) a bond proposition;

50 (f) a judicial retention question;

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

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

53 (6) "Ballot sheet":

54 (a) means a ballot that:

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

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

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

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

61 (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
62 20A-4-306 to canvass election returns.

63 (9) "Bond election" means an election held for the purpose of approving or rejecting

64 the proposed issuance of bonds by a government entity.

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

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

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

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

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

75 (15) "Contracting election officer" means an election officer who enters into a contract  
76 or interlocal agreement with a provider election officer.

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

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

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

83 (19) "Counting poll watcher" means a person selected as provided in Section  
84 20A-3-201 to witness the counting of ballots.

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

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

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

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

93 (b) does not include:

94 (i) deadlines established for absentee voting; or

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

97 (23) "Elected official" means:

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

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

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

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

106 (25) "Election Assistance Commission" means the commission established by [~~Public~~  
107 ~~Law 107-252, the Help America Vote Act of 2002.~~] the Help America Vote Act of 2002, Pub.  
108 L. No. 107-252.

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

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

112 (a) preside over other poll workers at a polling place;

113 (b) act as the presiding election judge; or

114 (c) serve as a canvassing judge, counting judge, or receiving judge.

115 (28) "Election officer" means:

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

117 (b) the county clerk for:

118 (i) a county ballot and election; and

119 (ii) a ballot and election as a provider election officer as provided in Section  
120 20A-5-400.1 or 20A-5-400.5;

121 (c) the municipal clerk for:

122 (i) a municipal ballot and election; and

123 (ii) a ballot and election as a provider election officer as provided in Section  
124 20A-5-400.1 or 20A-5-400.5;

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

- 126 (i) a local district ballot and election; and
- 127 (ii) a ballot and election as a provider election officer as provided in Section
- 128 20A-5-400.1 or 20A-5-400.5; or
- 129 (e) the business administrator or superintendent of a school district for:
- 130 (i) a school district ballot and election; and
- 131 (ii) a ballot and election as a provider election officer as provided in Section
- 132 20A-5-400.1 or 20A-5-400.5.
- 133 (29) "Election official" means any election officer, election judge, or poll worker.
- 134 (30) "Election results" means:
- 135 (a) for an election other than a bond election, the count of votes cast in the election and
- 136 the election returns requested by the board of canvassers; or
- 137 (b) for bond elections, the count of those votes cast for and against the bond
- 138 proposition plus any or all of the election returns that the board of canvassers may request.
- 139 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 140 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 141 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 142 form, and the total votes cast form.
- 143 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 144 device or other voting device that records and stores ballot information by electronic means.
- 145 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 146 or logically associated with a record and executed or adopted by a person with the intent to sign
- 147 the record.
- 148 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 149 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 150 (35) "Inactive voter" means a registered voter who has:
- 151 (a) been sent the notice required by Section 20A-2-306; and
- 152 (b) failed to respond to that notice.
- 153 (36) "Inspecting poll watcher" means a person selected as provided in this title to
- 154 witness the receipt and safe deposit of voted and counted ballots.
- 155 (37) "Judicial office" means the office filled by any judicial officer.
- 156 (38) "Judicial officer" means any justice or judge of a court of record or any county

157 court judge.

158 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
159 Local Government Entities - Local Districts, and includes a special service district under Title  
160 17D, Chapter 1, Special Service District Act.

161 (40) "Local district officers" means those local district board members that are required  
162 by law to be elected.

163 (41) "Local election" means a regular county election, a regular municipal election, a  
164 municipal primary election, a local special election, a local district election, and a bond  
165 election.

166 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
167 local school district.

168 (43) "Local special election" means a special election called by the governing body of a  
169 local political subdivision in which all registered voters of the local political subdivision may  
170 vote.

171 (44) "Municipal executive" means:

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

173 (b) the mayor in the council-manager form of government defined in Subsection  
174 10-3b-103(7); or

175 (c) the chair of a metro township form of government defined in Section 10-3b-102.

176 (45) "Municipal general election" means the election held in municipalities and, as  
177 applicable, local districts on the first Tuesday after the first Monday in November of each  
178 odd-numbered year for the purposes established in Section 20A-1-202.

179 (46) "Municipal legislative body" means:

180 (a) the council of the city or town in any form of municipal government; or

181 (b) the council of a metro township.

182 (47) "Municipal office" means an elective office in a municipality.

183 (48) "Municipal officers" means those municipal officers that are required by law to be  
184 elected.

185 (49) "Municipal primary election" means an election held to nominate candidates for  
186 municipal office.

187 (50) "Official ballot" means the ballots distributed by the election officer to the poll

188 workers to be given to voters to record their votes.

189 (51) "Official endorsement" means:

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

191 (i) the ballot as an official ballot;

192 (ii) the date of the election; and

193 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the  
194 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

195 (B) for a ballot prepared by a county clerk, the words required by Subsection  
196 20A-6-301(1)(c)(iii); and

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

198 (i) the poll worker's initials; and

199 (ii) the ballot number.

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

202 (53) "Paper ballot" means a paper that contains:

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

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

207 (54) "Pilot project" means the election day voter registration pilot project created in  
208 Section 20A-4-108.

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

212 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
213 cast votes.

214 (57) "Polling place" means the building where voting is conducted.

215 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
216 election, voting, or counting votes.

217 (b) "Poll worker" includes election judges.

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

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

221 (60) "Primary convention" means the political party conventions held during the year  
222 of the regular general election.

223 (61) "Protective counter" means a separate counter, which cannot be reset, that:

224 (a) is built into a voting machine; and

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

226 (62) "Provider election officer" means an election officer who enters into a contract or  
227 interlocal agreement with a contracting election officer to conduct an election for the  
228 contracting election officer's local political subdivision in accordance with Section  
229 20A-5-400.1.

230 (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

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

242 (67) "Registration form" means a book voter registration form and a by-mail voter  
243 registration form.

244 (68) "Regular ballot" means a ballot that is not a provisional ballot.

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

248 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
249 each even-numbered year, to nominate candidates of political parties and candidates for



250 nonpartisan local school board positions to advance to the regular general election.

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

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

254 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
255 punch the ballot for one or more candidates who are members of different political parties or  
256 who are unaffiliated.

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

260 (75) "Special election" means an election held as authorized by Section 20A-1-203.

261 (76) "Spoiled ballot" means each ballot that:

262 (a) is spoiled by the voter;

263 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

264 (c) lacks the official endorsement.

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

267 (78) "Stub" means the detachable part of each ballot.

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

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

272 (a) political parties;

273 (b) candidates for an office; or

274 (c) ballot propositions.

275 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
276 counting center.

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

280 (83) "Valid voter identification" means:

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

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

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

- 292 (i) a valid tribal identification card;
- 293 (ii) a Bureau of Indian Affairs card; or
- 294 (iii) a tribal treaty card; or
- 295 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear  
296 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
297 may include:

- 298 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
299 election;
- 300 (ii) a bank or other financial account statement, or a legible copy thereof;
- 301 (iii) a certified birth certificate;
- 302 (iv) a valid Social Security card;
- 303 (v) a check issued by the state or the federal government or a legible copy thereof;
- 304 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 305 (vii) a currently valid Utah hunting or fishing license;
- 306 (viii) certified naturalization documentation;
- 307 (ix) a currently valid license issued by an authorized agency of the United States;
- 308 (x) a certified copy of court records showing the voter's adoption or name change;
- 309 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 310 (xii) a currently valid identification card issued by:
  - 311 (A) a local government within the state;

- 312 (B) an employer for an employee; or
- 313 (C) a college, university, technical school, or professional school located within the  
314 state; or
- 315 (xiii) a current Utah vehicle registration.
- 316 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in  
317 candidate by following the procedures and requirements of this title.
- 318 (85) "Voter" means a person who:
- 319 (a) meets the requirements for voting in an election;
- 320 (b) meets the requirements of election registration;
- 321 (c) is registered to vote; and
- 322 (d) is listed in the official register book.
- 323 (86) "Voter registration deadline" means the registration deadline provided in Section  
324 20A-2-102.5.
- 325 (87) "Voting area" means the area within six feet of the voting booths, voting  
326 machines, and ballot box.
- 327 (88) "Voting booth" means:
- 328 (a) the space or compartment within a polling place that is provided for the preparation  
329 of ballots, including the voting machine enclosure or curtain; or
- 330 (b) a voting device that is free standing.
- 331 (89) "Voting device" means:
- 332 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
333 piercing the ballots by the voter;
- 334 (b) a device for marking the ballots with ink or another substance;
- 335 (c) an electronic voting device or other device used to make selections and cast a ballot  
336 electronically, or any component thereof;
- 337 (d) an automated voting system under Section 20A-5-302; or
- 338 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
339 by means of automatic tabulating equipment.
- 340 (90) "Voting machine" means a machine designed for the sole purpose of recording  
341 and tabulating votes cast by voters at an election.
- 342 (91) "Voting poll watcher" means a person appointed as provided in this title to

343 witness the distribution of ballots and the voting process.

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

346 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
347 poll watcher, and a testing watcher.

348 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
349 Part 8, Western States Presidential Primary.

350 (95) "Write-in ballot" means a ballot containing any write-in votes.

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

353 Section 2. Section **20A-6-101** is amended to read:

354 **20A-6-101. General requirements for paper ballots.**

355 (1) Each election officer shall ensure that paper ballots:

356 [~~(a)~~] ~~are printed on only one side of the paper;~~

357 [~~(b)~~] (a) are printed using precisely the same quality and tint of plain white paper  
358 through which the printing or writing cannot be seen;

359 [~~(c)~~] (b) are printed using precisely the same quality and kind of type;

360 [~~(d)~~] (c) are printed using precisely the same quality and tint of plain black ink;

361 [~~(e)~~] (d) are uniform in size for all the voting precincts within the election officer's  
362 jurisdiction; and

363 [~~(f)~~] (e) include, [~~in an election~~] on a ticket for a race in which a voter is authorized to  
364 cast a write-in vote and [~~where~~] in which a write-in candidate is qualified under Section  
365 20A-9-601, a [~~write-in column immediately adjacent to the last column on the ballot that is~~  
366 ~~long enough to contain as many written names of candidates as there are persons to be elected~~  
367 ~~with: (i) the offices to be filled printed above the blank spaces on the ticket; and (ii) the words~~  
368 ~~"Write-In Voting Column" printed at the head of the column without a 1/2 inch circle~~] space  
369 for a write-in candidate immediately following the last candidate listed on that ticket.

370 (2) Whenever the vote for candidates is to be limited to the voters of a particular  
371 political division, the election officer shall ensure that the names of those candidates are  
372 printed only upon those ballots provided to that political division.

373 Section 3. Section **20A-6-102** is amended to read:

374           **20A-6-102. General requirements for machine counted ballots.**

375           (1) Each election officer shall ensure that ballots and ballot labels are printed:

376           (a) to a size and arrangement that fits the construction of the voting device; and

377           (b) in plain, clear type in black ink on clear white stock; or

378           (c) in plain, clear type in black ink on stock of different colors if it is necessary to:

379           (i) identify different ballots or parts of the ballot; or

380           (ii) differentiate between political parties.

381           (2) Each election officer shall ensure that:

382           (a) ballot sheets are of a size, design, and stock suitable for processing by automatic  
383 data processing machines;

384           (b) each ballot sheet has an attached perforated stub, on which is printed the words  
385 "Official Ballot, (initial) Poll Worker"; and

386           (c) ballot stubs are numbered consecutively.

387           (3) ~~[In an election]~~ For a race in which a voter is authorized to cast a write-in vote and  
388 ~~[where] in which~~ a write-in candidate is qualified under Section 20A-9-601, the election officer  
389 shall ~~[provide a separate write-in ballot, which may be in the form of a paper ballot, a card, or a~~  
390 ~~secrecy envelope in which the voter places his ballot sheet after voting, to permit voters to~~  
391 ~~write in the title of the office and the name of the person or persons for whom the voter wishes~~  
392 ~~to cast a write-in vote]~~ include a space on the ticket for a write-in candidate immediately  
393 following the last candidate listed on that ticket.

394           (4) Notwithstanding any other provisions of this section, the election officer may  
395 authorize any ballots that are to be counted by means of electronic or electromechanical  
396 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks  
397 that will be suitable for use in the counting devices in which they are intended to be placed.

398           Section 4. Section **20A-6-301** is amended to read:

399           **20A-6-301. Paper ballots -- Regular general election.**

400           (1) Each election officer shall ensure that:

401           (a) all paper ballots furnished for use at the regular general election contain:

402           (i) no captions or other endorsements except as provided in this section;

403           (ii) no symbols, markings, or other descriptions of a political party or group, except for  
404 a registered political party that has chosen to nominate its candidates in accordance with

405 Section 20A-9-403; and

406 (iii) no indication that a candidate for elective office has been nominated by, or has  
407 been endorsed by, or is in any way affiliated with a political party or group, unless the  
408 candidate has been nominated by a registered political party in accordance with Subsection  
409 20A-9-202(4) or Subsection 20A-9-403(5).

410 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the  
411 top of the ballot, and divided from the rest of ballot by a perforated line;

412 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
413 stub; and

414 (iii) ballot stubs are numbered consecutively;

415 (c) immediately below the perforated ballot stub, the following endorsements are  
416 printed in 18 point bold type:

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

418 (ii) the date of the election; and

419 (iii) the words "Clerk of \_\_\_\_\_ County" or, as applicable, the name of a  
420 combined office that includes the duties of a county clerk;

421 [~~(d) each ticket is placed in a separate column on the ballot in the order specified under~~  
422 ~~Section 20A-6-305 with the party emblem, followed by the party name, at the head of the~~  
423 ~~column;]~~

424 (d) subject to Subsection (2), each ticket that appears on the ballot appears separately,  
425 in the following order:

426 (i) a straight party ticket, where the voter may, with one mark, vote for all candidates of  
427 one political party;

428 (ii) for federal office:

429 (A) president and vice president of the United States;

430 (B) United States Senate office; and

431 (C) United States House of Representatives office;

432 (iii) for state office:

433 (A) governor and lieutenant governor;

434 (B) attorney general;

435 (C) state auditor;

- 436            (D) state treasurer;  
437            (E) state Senate office;  
438            (F) state House of Representatives office; and  
439            (G) State Board of Education member;  
440            (iv) for county office:  
441            (A) county executive office;  
442            (B) county legislative body member;  
443            (C) county assessor;  
444            (D) county or district attorney;  
445            (E) county auditor;  
446            (F) county clerk;  
447            (G) county recorder;  
448            (H) county sheriff;  
449            (I) county surveyor;  
450            (J) county treasurer; and  
451            (K) local school board member;  
452            (v) for municipal office:  
453            (A) mayor; and  
454            (B) city or town council member;  
455            (vi) elected planning and service district council member;  
456            (vii) judicial retention questions; and  
457            (viii) ballot propositions;  
458            (e) each candidate is listed in accordance with Section 20A-6-305, followed by the  
459 party name or title;  
460            ~~[(e)]~~ (f) the party name or title is printed in capital letters not less than one-fourth of an  
461 inch high;  
462            ~~[(f) a circle one-half inch in diameter is printed immediately below the party name or~~  
463 ~~title, and the top of the circle is placed not less than two inches below the perforated line;]~~  
464            (g) unaffiliated candidates, candidates not affiliated with a registered political party,  
465 and all other candidates for elective office who were not nominated by a registered political  
466 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed [im

467 ~~one column in the order specified under] with the other candidates for the same office in~~  
 468 ~~accordance with~~ Section 20A-6-305, without a party ~~[circle, with the following instructions~~  
 469 ~~printed at the head of the column: "All candidates] name or title, and with a mark referencing~~  
 470 ~~the following statement at the bottom of the ticket: "This candidate is not affiliated with, or~~  
 471 ~~does not qualify to be listed on the ballot as affiliated with, a political party [are listed below.~~  
 472 ~~They are to be considered with all offices and candidates listed to the left. Only one vote is~~  
 473 ~~allowed for each office].";~~

474 (h) ~~[the columns] each ticket~~ containing the lists of candidates, including the party  
 475 name and device, are separated by heavy parallel lines;

476 (i) the offices to be filled are plainly printed immediately above the names of the  
 477 candidates for those offices;

478 (j) the names of candidates are printed in capital letters, not less than one-eighth nor  
 479 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between  
 480 lines or rules three-eighths of an inch apart; and

481 ~~[(k) a square with sides measuring not less than one-fourth of an inch in length is~~  
 482 ~~printed immediately adjacent to the name of each candidate;]~~

483 ~~[(t) for the offices of president and vice president and governor and lieutenant~~  
 484 ~~governor, one square with sides measuring not less than one-fourth of an inch in length is~~  
 485 ~~printed on the same side as but opposite a double bracket enclosing the names of the two~~  
 486 ~~candidates;]~~

487 ~~[(m)] (k) [in an election] on a ticket for a race~~ in which a voter is authorized to cast a  
 488 write-in vote and ~~[where] in which~~ a write-in candidate is qualified under Section 20A-9-601[;  
 489 ~~immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a write-in~~  
 490 ~~column long enough to contain as many written names of candidates as there are persons to be~~  
 491 ~~elected with];~~

492 ~~[(i) for each office on the ballot, the office to be filled plainly printed immediately~~  
 493 ~~above;]~~

494 ~~[(A) a blank, horizontal line to enable the entry of a valid write-in candidate and a~~  
 495 ~~square with sides measuring not less than one-fourth of an inch in length printed immediately~~  
 496 ~~adjacent to the blank horizontal line]~~

497 (i) the ballot includes a space for a write-in candidate immediately following the last



498 candidate listed on that ticket; or

499 ~~[(B)]~~ (ii) for the offices of president and vice president and governor and lieutenant  
 500 governor, ~~[two blank horizontal lines]~~ the ballot includes two spaces for write-in candidates  
 501 immediately following the last candidates on that ticket, one placed above the other, to enable  
 502 the entry of two valid write-in candidates~~[, and one square with sides measuring not less than~~  
 503 ~~one-fourth of an inch in length printed on the same side as but opposite a double bracket~~  
 504 ~~enclosing the two blank horizontal lines; and].~~

505 ~~[(ii) the words "Write-In Voting Column" printed at the head of the column without a~~  
 506 ~~one-half inch circle;]~~

507 ~~[(n) when required, the ballot includes a nonpartisan ticket placed immediately~~  
 508 ~~adjacent to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the~~  
 509 ~~unaffiliated ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule~~  
 510 ~~running vertically the full length of the nonpartisan ballot copy; and]~~

511 ~~[(o) constitutional amendments or other questions submitted to the vote of the people,~~  
 512 ~~are printed on the ballot after the list of candidates.]~~

513 (2) A ticket for a race for a combined office shall appear in the place of the earliest  
 514 ballot ticket position that is reserved for an office that is subsumed in the combined office.

515 ~~[(2)]~~ (3) Each election officer shall ensure that:

516 (a) each person nominated by any registered political party under Subsection  
 517 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

518 (i) under the registered political party's name ~~[and emblem]~~, if any; or

519 (ii) under the title of the registered political party as designated by them in their  
 520 certificates of nomination or petition, or, if none is designated, then under some suitable title;

521 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,  
 522 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

523 (c) the names of the candidates for president and vice president are used on the ballot  
 524 instead of the names of the presidential electors; and

525 (d) the ballots contain no other names.

526 ~~[(3)]~~ (4) When the ballot contains a nonpartisan section, the election officer shall  
 527 ensure that:

528 (a) the designation of the office to be filled in the election and the number of

529 candidates to be elected are printed in type not smaller than eight point;

530 (b) the words designating the office are printed flush with the left-hand margin;

531 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for  
532 which the voter may vote)" extend to the extreme right of the column;

533 (d) the nonpartisan candidates are grouped according to the office for which they are  
534 candidates;

535 (e) the names in each group are placed in the order specified under Section 20A-6-305  
536 with the surnames last; and

537 (f) each group is preceded by the designation of the office for which the candidates  
538 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of  
539 candidates for which the voter may vote)," according to the number to be elected.

540 ~~[(4)]~~ (5) Each election officer shall ensure that:

541 (a) proposed amendments to the Utah Constitution are listed on the ballot in  
542 accordance with Section 20A-6-107;

543 (b) ballot propositions submitted to the voters are listed on the ballot in accordance  
544 with Section 20A-6-107; and

545 (c) bond propositions that have qualified for the ballot are listed on the ballot under the  
546 title assigned to each bond proposition under Section 11-14-206.

547 Section 5. Section **20A-6-303** is amended to read:

548 **20A-6-303. Regular general election -- Ballot sheets.**

549 (1) Each election officer shall ensure that:

550 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in  
551 approximately the same order as paper ballots;

552 ~~[(b) the titles of offices and the names of candidates are printed in vertical columns or  
553 in a series of separate pages;]~~

554 ~~[(c)]~~ (b) the ballot sheet or any pages used for the ballot label are of sufficient number  
555 to include, after the list of candidates:

556 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

557 (ii) any ballot propositions submitted to the voters for their approval or rejection;

558 ~~[(d) (i) a voting square or position is included where the voter may record a straight  
559 party ticket vote for all the candidates who are listed on the ballot as being from one party by~~

560 ~~one mark or punch; and]~~

561 ~~[(ii) the name of each political party listed in the straight party selection area includes~~  
562 ~~the word "party" at the end of the party's name;]~~

563 ~~[(e) the tickets are printed in the order specified under Section 20A-6-305;]~~

564 ~~[(f)] (c)~~ the office titles are printed immediately adjacent to the names of candidates so  
565 as to indicate clearly the candidates for each office and the number to be elected;

566 ~~[(g)] (d)~~ the party designation of each candidate who has been nominated by a  
567 registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is printed  
568 immediately adjacent to the candidate's name; and

569 ~~[(h)] (e)~~ (i) if possible, all candidates for one office are grouped in one column or upon  
570 one page;

571 (ii) if all candidates for one office cannot be listed in one column or grouped on one  
572 page:

573 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of  
574 candidates is continued on the following column or page; and

575 (B) approximately the same number of names shall be printed in each column or on  
576 each page.

577 (2) Each election officer shall ensure that:

578 (a) proposed amendments to the Utah Constitution are listed in accordance with  
579 Section 20A-6-107;

580 (b) ballot propositions submitted to the voters are listed in accordance with Section  
581 20A-6-107; and

582 (c) bond propositions that have qualified for the ballot are listed under the title  
583 assigned to each bond proposition under Section 11-14-206.

584 Section 6. Section **20A-6-304** is amended to read:

585 **20A-6-304. Regular general election -- Electronic ballots.**

586 (1) Each election officer shall ensure that:

587 (a) the format and content of the electronic ballot is arranged in approximately the  
588 same order as paper ballots;

589 (b) the titles of offices and the names of candidates are displayed in vertical columns or  
590 in a series of separate display screens;

591 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

592 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

593 (ii) any ballot propositions submitted to the voters for their approval or rejection;

594 ~~[(d) (i) a voting square or position is included where the voter may record a straight~~

595 ~~party ticket vote for all the candidates who are listed on the ballot as being from one party by~~

596 ~~making a single selection; and]~~

597 ~~[(ii) the name of each political party listed in the straight party selection area includes~~

598 ~~the word "party" at the end of the party's name;]~~

599 ~~[(e) the tickets are displayed in the order specified under Section 20A-6-305;]~~

600 ~~[(f)] (d) the office titles are displayed above or at the side of the names of candidates so~~

601 as to indicate clearly the candidates for each office and the number to be elected;

602 ~~[(g)] (e) the party designation of each candidate who has been nominated by a~~

603 registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is

604 displayed adjacent to the candidate's name; and

605 ~~[(h)] (f) if possible, all candidates for one office are grouped in one column or upon~~

606 one display screen.

607 (2) Each election officer shall ensure that:

608 (a) proposed amendments to the Utah Constitution are displayed in accordance with

609 Section 20A-6-107;

610 (b) ballot propositions submitted to the voters are displayed in accordance with Section

611 20A-6-107; and

612 (c) bond propositions that have qualified for the ballot are displayed under the title

613 assigned to each bond proposition under Section 11-14-206.

614 Section 7. Section **20A-9-406** is amended to read:

615 **20A-9-406. Qualified political party -- Requirements and exemptions.**

616 The following provisions apply to a qualified political party:

617 (1) the qualified political party shall, no later than 5 p.m. on March 1 of each

618 even-numbered year, certify to the lieutenant governor the identity of one or more registered

619 political parties whose members may vote for the qualified political party's candidates;

620 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection

621 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified

622 political party;

623 (3) an individual may only seek the nomination of the qualified political party by using  
624 a method described in Section 20A-9-407, Section 20A-9-408, or both;

625 (4) the qualified political party shall comply with the provisions of Sections  
626 20A-9-407, 20A-9-408, and 20A-9-409;

627 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or [~~(2)~~] (3)(a), each election  
628 officer shall ensure that a ballot described in Section 20A-6-301 includes each person  
629 nominated by a qualified political party:

630 (a) under the qualified political party's name [~~and emblem~~], if any; or

631 (b) under the title of the qualified registered political party as designated by the  
632 qualified political party in the certification described in Subsection (1), or, if none is  
633 designated, then under some suitable title;

634 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for  
635 paper ballots in regular general elections, that each candidate who is nominated by the qualified  
636 political party is listed by party;

637 (7) notwithstanding Subsection 20A-6-303(1)[~~(g)~~](d), each election officer shall ensure  
638 that the party designation of each candidate who is nominated by the qualified political party is  
639 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

640 (8) notwithstanding Subsection 20A-6-304(1)[~~(g)~~](e), each election officer shall ensure  
641 that the party designation of each candidate who is nominated by the qualified political party is  
642 displayed adjacent to the candidate's name on an electronic ballot;

643 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
644 includes an individual who files a declaration of candidacy under Section 20A-9-407 or  
645 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
646 multicounty office, or county office;

647 (10) an individual who is nominated by, or seeking the nomination of, the qualified  
648 political party is not required to comply with Subsection 20A-9-201(1)(c);

649 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled  
650 to have each of the qualified political party's candidates for elective office appear on the  
651 primary ballot of the qualified political party with an indication that each candidate is a  
652 candidate for the qualified political party;

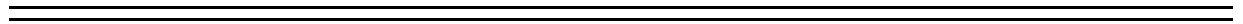
653 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include  
654 on the list provided by the lieutenant governor to the county clerks:

655 (a) the names of all candidates of the qualified political party for federal, constitutional,  
656 multicounty, and county offices; and

657 (b) the names of unopposed candidates for elective office who have been nominated by  
658 the qualified political party and instruct the county clerks to exclude such candidates from the  
659 primary-election ballot;

660 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an  
661 elective office in the regular primary election of the qualified political party is nominated by  
662 the party for that office without appearing on the primary ballot; and

663 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section  
664 20A-9-405, the qualified political party is entitled to have the names of its candidates for  
665 elective office featured with party affiliation on the ballot at a regular general election.



**Legislative Review Note**  
**Office of Legislative Research and General Counsel**