

Part 6

Election Offenses - Generally

20A-1-601 Bribery in elections -- Paying for votes -- Penalties.

- (1) A person may not, directly, indirectly, or through any other person:
 - (a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:
 - (i) to induce the voter to vote or refrain from voting at any election provided by law;
 - (ii) to induce any voter to vote or refrain from voting at an election for any particular person or measure;
 - (iii) to induce a voter to go to the polls or remain away from the polls at any election;
 - (iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or
 - (v) to obtain the political support or aid of any person at an election;
 - (b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:
 - (i) induce a voter to vote or refrain from voting at any election;
 - (ii) induce any voter to vote or refrain from voting at an election for any particular person or measure; or
 - (iii) obtain the political support or aid of any person;
 - (c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or
 - (d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 31, 2020 General Session

20A-1-602 Receiving bribe -- Receiving payments for votes -- Penalties.

- (1) A person may not, for the person or for any other person, directly or indirectly, or through any person, before, during, or after any election:
 - (a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for:
 - (i) voting or agreeing to vote;
 - (ii) going or agreeing to go to the polls;
 - (iii) remaining or agreeing to remain away from the polls; or
 - (iv) refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or measure at any election provided by law; or
 - (b) receive any money or other valuable thing because the person induced any other person to:
 - (i) vote or refrain from voting; or
 - (ii) vote or refrain from voting for any particular person or measure at any election provided by law.

- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 31, 2020 General Session

20A-1-603 Fraud, interference, disturbance -- Tampering with ballots or records -- Penalties.

- (1)
- (a) An individual may not fraudulently vote on the individual's behalf or on behalf of another, by:
 - (i) voting more than once at any one election, regardless of whether one of the elections is in a state or territory of the United States outside of Utah;
 - (ii) knowingly handing in two or more ballots folded together;
 - (iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot drop box, or mailed;
 - (iv) adding or attempting to add any ballot or vote to those legally polled at any election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;
 - (v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or
 - (vi) voting in a voting district or precinct when the individual knew or should have known that the individual was not eligible for voter registration in that district or precinct, unless the individual is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.
 - (b) A person may not fraudulently interfere with an election by:
 - (i) willfully tampering with, detaining, mutilating, or destroying any election returns;
 - (ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;
 - (iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;
 - (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;
 - (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing;
 - (vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box; or
 - (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts described in this section.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3):
- (a) a person who commits an offense under Subsection (1)(b)(vi), or who aids, counsels, provides, procures, advises, or assists a person to commit an offense under Subsection (1)(b)(vi), is guilty of a third degree felony; and
 - (b) a person who commits an offense under Subsection (1), other than an offense described in Subsection (2)(a), is guilty of a class A misdemeanor.
- (3) The lieutenant governor shall take, and store for at least 22 months, a static copy of the official register made at the following times:

- (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);
- (b) the day of the election; and
- (c) the last day of the canvass.

Amended by Chapter 175, 2023 General Session

20A-1-604 Destroying or altering voter instructions, sample ballots, or election paraphernalia -- Penalties.

- (1) A person may not, without lawful authority granted by an election officer:
 - (a) willfully alter, deface, or destroy any list of candidates posted in accordance with the provisions of this title;
 - (b) willfully alter, deface, tear down, remove or destroy any voter instructions or sample ballot, printed or posted for the instruction of voters during an election;
 - (c) willfully alter, remove, or destroy any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot during an election; or
 - (d) willfully hinder the voting of others.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of an infraction.

Amended by Chapter 170, 2022 General Session

20A-1-605 Mutilating certificate of nomination -- Forging declination or resignation -- Tampering with ballots.

- (1) It is unlawful for any person to:
 - (a) falsely mark or willfully deface or destroy:
 - (i) any certificate of nomination or any part of a certificate of nomination; or
 - (ii) any letter of declination or resignation;
 - (b) file any certificate of nomination or letter of declination or resignation knowing it, or any part of it, to be falsely made;
 - (c) suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed;
 - (d) forge any letter of declination or resignation;
 - (e) falsely make the official endorsement on any ballot;
 - (f) willfully destroy or deface any ballot;
 - (g) willfully delay the delivery of any ballots;
 - (h) examine any ballot offered or cast at the polls or found in any ballot box or ballot drop box for any purpose other than to determine which candidate was elected; and
 - (i) make or place any mark or device on any ballot in order to determine the name of any person for whom the elector has voted.
- (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), any person convicted of any of the offenses established by this section is guilty of a class A misdemeanor.

Amended by Chapter 31, 2020 General Session

20A-1-606 Wagering on elections forbidden.

- (1)
 - (a) A candidate may not, before or during any primary or election campaign:

- (i) make any bet or wager anything of pecuniary value on the result of the primary or election, or on any event or contingency relating to any pending primary or election;
 - (ii) become a party to any bet or wager on the result of a primary or election or on any event or contingency relating to any pending primary or election; and
 - (iii) provide money or any other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election.
- (b) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.
- (2)
- (a) A person who is not a candidate may not make any bet or wager anything of pecuniary value on the result of any primary or election, or on any event or contingency relating to any primary or election.
 - (b) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (2)(a) is guilty of a class B misdemeanor.
- (3)
- (a) A person may not directly or indirectly make a bet or wager with any voter that is dependent upon the outcome of any primary or election with the intent to subject that voter to the possibility of challenge at a primary or election or to prevent the voter from voting at a primary or election.
 - (b) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (3)(a) is guilty of a class B misdemeanor.

Amended by Chapter 19, 2018 General Session

20A-1-607 Inducing attendance at polls -- Payment of workers.

- (1)
- (a) It is unlawful for a person to pay another for a loss incurred because an individual voted or registered to vote.
 - (b) Subsection (1)(a) does not permit an employer to make a deduction from the usual salary or wages of an employee who takes a leave of absence as authorized under Section 20A-3a-105 for the purpose of voting.
- (2)
- (a) A person may not pay for personal services performed or to be performed on the day of a caucus, primary, convention, or election, or for any purpose connected with a caucus, primary, convention, or election that directly or indirectly affect the result of the caucus, primary, convention, or election.
 - (b) Subsection (2)(a) does not prohibit a person from hiring a person to act as a watcher.

Amended by Chapter 31, 2020 General Session

20A-1-608 Promises of appointment to office forbidden.

- (1) An individual may not, in order to aid or promote the individual's nomination or election, directly or indirectly appoint or promise to appoint an individual or secure or promise to secure, or aid in securing the appointment, nomination, or election of an individual to any public or private position or employment, or to any position of honor, trust, or emolument.
- (2) Nothing contained in this section prevents:
- (a) a candidate from stating publicly the candidate's preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

- (b) a candidate for any office in which the individual elected will be charged with the duty of participating in the election or nomination of an individual as a candidate for any office from publicly stating or pledging the candidate's preference for, or support of, an individual for that office or nomination.

Amended by Chapter 18, 2022 General Session

20A-1-609 Omnibus penalties.

- (1)
 - (a) Except as provided in Subsection (1)(b), a person who violates any provision of this title is guilty of a class B misdemeanor.
 - (b) Subsection (1)(a) does not apply to a provision of this title for which another penalty is expressly stated.
 - (c) An individual is not guilty of a crime for, by signing a petition for an initiative or referendum, falsely making the statement described in Subsection 20A-7-203(3)(d)(xx), 20A-7-303(3)(d)(xx), 20A-7-503(3)(d)(xx), or 20A-7-603(3)(d)(xx).
- (2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual convicted of any offense under this title may not:
 - (a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;
 - (b) take or hold the office to which the individual was elected; and
 - (c) receive the emoluments of the office to which the individual was elected.
- (3)
 - (a) Any individual convicted of any offense under this title forfeits the right to vote at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or 20A-2-101.5.
 - (b) Any person may challenge the right to vote of a person described in Subsection (3)(a) by following the procedures and requirements of Section 20A-3a-803.

Amended by Chapter 325, 2022 General Session

20A-1-610 Abetting violation of chapter -- Penalty.

In addition to the penalties established in Subsections 20A-1-609(2) and (3), any person who aids, abets, or advises a violation of any provision of this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

Amended by Chapter 19, 2018 General Session

20A-1-611 Cost of defense of action.

Nothing contained in this chapter prevents any candidate from employing counsel to represent the candidate in any action or proceeding affecting the candidate's rights as a candidate or from paying all costs and disbursements arising from that representation.

Amended by Chapter 18, 2022 General Session