

20A-1-403 Errors or omissions in ballots.

- (1) The election officer shall, without delay, correct any errors in paper ballots or ballot labels that he discovers, or that are brought to his attention, if those errors can be corrected without interfering with the timely distribution of the paper ballots or ballot labels.
- (2)
 - (a)
 - (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, a candidate or his agent may file, without paying any fee, a petition for ballot correction with the district court.
 - (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.
 - (b) The petition shall contain:
 - (i) an affidavit signed by the candidate or his agent identifying the error or omission; and
 - (ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.
- (3)
 - (a) After reviewing the petition, the court shall:
 - (i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;
 - (ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and
 - (iii) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.
 - (b) The court may assess costs, including a reasonable attorney's fee, against either party.

Enacted by Chapter 1, 1993 General Session