

Chapter 3 Voting

Part 1 General Voting Requirements

20A-3-101 Residency and age requirements of voters.

- (1) A person may vote in any regular general election or statewide special election if that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration.
- (2) A person may vote in the Western States Presidential Primary election or a regular primary election if:
 - (a) that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration; and
 - (b) that person's political party affiliation, or unaffiliated status, allows the person to vote in the election.
- (3) A person may vote in a municipal general election, municipal primary, in a local special election, in a local district election, and in a bond election if that person:
 - (a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration; and
 - (b) is a resident of a voting district or precinct within the local entity that is holding the election.

Amended by Chapter 276, 2008 General Session

20A-3-102 Voting by secret ballot.

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each local district election, and at each bond election shall be by secret ballot.

Amended by Chapter 329, 2007 General Session

20A-3-103 Employee's right to time off for election.

- (1)
 - (a) Each employer shall allow any voter to be absent from service or employment on election day for not more than two hours between the time the polls open and close.
 - (b) The voter shall apply for a leave of absence before election day.
 - (c)
 - (i) The employer may specify the hours during which the employee may be absent.
 - (ii) If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.
 - (d) The employer may not deduct from an employee's usual salary or wages because of the absence.
- (2) This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.
- (3) Any employer who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-104 Manner of voting.

- (1)
 - (a) Any registered voter desiring to vote shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.
 - (b) The voter shall present valid voter identification to one of the poll workers.
 - (c) If the poll worker is not satisfied that the voter has presented valid voter identification, the poll worker shall:
 - (i) indicate on the official register that the voter was not properly identified;
 - (ii) issue the voter a provisional ballot;
 - (iii) notify the voter that the voter will have until the close of normal office hours on Monday after the day of the election to present valid voter identification:
 - (A) to the county clerk at the county clerk's office; or
 - (B) to an election officer who is administering the election; and
 - (iv) follow the procedures and requirements of Section 20A-3-105.5.
 - (d) If the person's right to vote is challenged as provided in Section 20A-3-202, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.
- (2)
 - (a) The poll worker in charge of the official register shall check the official register to determine whether or not a person is registered to vote.
 - (b) If the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.
- (3) If the poll worker determines that the voter is registered and:
 - (a) if the ballot is a paper ballot or a ballot sheet:
 - (i) the poll worker in charge of the official register shall:
 - (A) write the ballot number opposite the name of the voter in the official register; and
 - (B) direct the voter to sign the voter's name in the election column in the official register;
 - (ii) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) endorse the poll worker's initials on the stub;
 - (B) check the name of the voter on the pollbook list with the number of the stub;
 - (C) hand the voter a ballot; and
 - (D) allow the voter to enter the voting booth; or
 - (b) if the ballot is an electronic ballot:
 - (i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;
 - (ii) another poll worker shall list the voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) provide the voter access to the electronic ballot; and
 - (B) allow the voter to vote the electronic ballot.
- (4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 197, 2010 General Session

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

- (1)
 - (a) Any registered voter desiring to vote at the regular primary election or Utah's Western States Presidential Primary shall give the voter's name, the name of the registered political party

whose ballot the voter wishes to vote, and, if requested, the voter's residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers.

(c)

(i) The poll worker shall follow the procedures and requirements of Section 20A-3-105.5 if:

- (A) the poll worker is not satisfied that the voter presented valid voter identification; or
- (B) the voter's right to vote is challenged under Section 20A-3-202.

(ii) The poll worker shall notify a voter casting a provisional ballot under Section 20A-3-105.5 because of failure to present valid voter identification that the voter has until the close of normal office hours on Monday after the day of the election to:

- (A) present valid voter identification to the county clerk at the county clerk's office; or
- (B) an election officer who is administering the election.

(2)

(a)

(i) If the voter is properly identified, the poll worker in charge of the official register shall check the official register to determine:

- (A) whether or not the person is registered to vote; and
- (B) whether or not the voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requested.

(ii) If the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

(b)

(i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

(ii)

- (A) If it is not unduly disruptive of the election process, the poll worker shall attempt to contact the county clerk's office to request oral verification of the voter's registration.
- (B) If oral verification is received from the county clerk's office, the poll worker shall:
 - (I) record the verification on the official register;
 - (II) determine the voter's party affiliation and the ballot that the voter is qualified to vote; and
 - (III) perform the other administrative steps required by Subsection (3).

(c)

(i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

(ii)

- (A) If the voter is listed in the official register as "unaffiliated," or if the official register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."
- (B) If the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3).

- (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.
- (3) If the poll worker determines that the voter is registered and eligible, under Subsection (2), to vote the ballot that the voter requested and:
 - (a) if the ballot is a paper ballot or a ballot sheet:
 - (i) the poll worker in charge of the official register shall:
 - (A) write the ballot number and the name of the registered political party whose ballot the voter voted opposite the name of the voter in the official register; and
 - (B) direct the voter to sign the voter's name in the election column in the official register;
 - (ii) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) endorse the voter's initials on the stub;
 - (B) check the name of the voter on the pollbook list with the number of the stub;
 - (C) hand the voter the ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and
 - (D) allow the voter to enter the voting booth; or
 - (b) if the ballot is an electronic ballot:
 - (i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;
 - (ii) another poll worker shall list the voter's name in the pollbook; and
 - (iii) the poll worker having charge of the ballots shall:
 - (A) provide the voter access to the electronic ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and
 - (B) allow the voter to vote the electronic ballot.
- (4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 335, 2011 General Session

20A-3-105 Marking and depositing ballots.

- (1)
 - (a) If a paper ballot is used, the voter, upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the name of each candidate of the voter's choice for each office to be filled.
 - (b) A mark is not required opposite the name of a write-in candidate.
 - (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the appropriate square with a mark opposite the answer the voter intends to make.
 - (d) Before leaving the booth, the voter shall:
 - (i) fold the ballot so that its contents are concealed and the stub can be removed; and
 - (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope and complete the information printed on the envelope.
- (2)
 - (a)
 - (i) If a punch card ballot is used, the voter shall insert the ballot sheet into the voting device and mark the ballot sheet according to the instructions provided on the device.

- (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the voter shall record any write-in votes on the long stub.
 - (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record any write-in votes on the secrecy envelope.
 - (b) After the voter has marked the ballot sheet, the voter shall either:
 - (i) place the ballot sheet inside the secrecy envelope, if one is provided; or
 - (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.
 - (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.
- (3)
- (a) If a ballot sheet other than a punch card is used, the voter shall mark the ballot sheet according to the instructions provided on the voting device or ballot sheet.
 - (b) The voter shall record a write-in vote by:
 - (i) marking the position opposite the area for entering a write-in candidate; and
 - (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote for by means of:
 - (A) writing;
 - (B) a label; or
 - (C) entering the name using the voting device.
 - (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.
- (4)
- (a) If an electronic ballot is used, the voter shall:
 - (i) insert the ballot access card into the voting device; and
 - (ii) make the selections according to the instructions provided on the device.
 - (b) The voter shall record a write-in vote by:
 - (i) marking the appropriate position opposite the area for entering a write-in candidate; and
 - (ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.
- (5) After preparation of the ballot:
- (a) if a paper ballot or punch card ballot is used:
 - (i) the voter shall:
 - (A) leave the voting booth; and
 - (B) announce his name to the poll worker in charge of the ballot box;
 - (ii) the poll worker in charge of the ballot box shall:
 - (A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;
 - (B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, remove the stub from the ballot; and
 - (C) return the ballot to the voter;
 - (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and
 - (iv) if the stub has been detached from the ballot:
 - (A) the poll worker may not accept the ballot; and
 - (B) the poll worker shall:
 - (I) treat the ballot as a spoiled ballot;

- (II) provide the voter with a new ballot; and
- (III) dispose of the spoiled ballot as provided in Section 20A-3-107;
- (b) if a ballot sheet other than a punch card is used:
 - (i) the voter shall:
 - (A) leave the voting booth; and
 - (B) announce his name to the poll worker in charge of the ballot box;
 - (ii) the poll worker in charge of the ballot box shall:
 - (A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot; and
 - (B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, return the ballot to the voter; and
 - (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and
- (c) if an electronic ballot is used, the voter shall:
 - (i) cast the voter's ballot;
 - (ii) remove the ballot access card from the voting device; and
 - (iii) return the ballot access card to a designated poll worker.
- (6) A voter voting a paper ballot in a regular primary election shall, after marking the ballot:
 - (a)
 - (i) if the ballot is designed so that the names of all candidates for all political parties are on the same ballot, detach the part of the paper ballot containing the names of the candidates of the party he has voted from the remainder of the paper ballot;
 - (ii) fold that portion of the paper ballot so that its face is concealed; and
 - (iii) deposit it in the ballot box; and
 - (b)
 - (i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and
 - (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.
- (7)
 - (a) Each voter shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting.
 - (b) A voter may not:
 - (i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;
 - (ii) remain within the voting area more than 10 minutes; or
 - (iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy them.
- (8) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.
- (9) The poll workers may not allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:
 - (a) election officials;
 - (b) watchers; or
 - (c) assisting voters with a disability.

Amended by Chapter 75, 2007 General Session

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

- (1) The poll workers shall follow the procedures and requirements of this section when:

- (a) the person's right to vote is challenged as provided in Section 20A-3-202 or 20A-3-202.5;
 - (b) the person's name is not found on the official register; or
 - (c) the poll worker is not satisfied that the voter has provided valid voter identification.
- (2) When faced with one of the circumstances outlined in Subsection (1)(a) or (b), the poll worker shall:
- (a) request that the person provide valid voter identification; and
 - (b) review the identification provided by the person.
- (3) If the poll worker is satisfied that the person has provided valid voter identification that establishes the person's identity and residence in the voting precinct or within the county:
- (a) the poll worker in charge of the official register shall:
 - (i) record in the official register the type of identification that established the person's identity and place of residence;
 - (ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
 - (iii) direct the voter to sign his name in the election column in the official register;
 - (b) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (c) the poll worker having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) give the voter a ballot and a provisional ballot envelope; and
 - (iv) allow the voter to enter the voting booth.
- (4) If the poll worker is not satisfied that the voter has provided valid voter identification that establishes the person's identity and residence in the voting precinct or within the county:
- (a) the poll worker in charge of the official register shall:
 - (i) record in the official register that the voter did not provide valid voter identification;
 - (ii) record in the official register the type of identification that was provided by the voter, if any;
 - (iii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
 - (iv) direct the voter to sign his name in the election column in the official register;
 - (b) another poll worker shall list the ballot number and voter's name in the pollbook; and
 - (c) the poll worker having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) give the voter a ballot and a provisional ballot envelope; and
 - (iv) allow the voter to enter the voting booth.
- (5) Whenever the election officer is required to furnish more than one kind of official ballot to a voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 390, 2013 General Session

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

- (1) When voting a paper ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:
- (a) mark in the circle or position above that political party;
 - (b) mark in the squares or position opposite the names of all candidates for that party ticket; or
 - (c) make both markings.

- (2)
 - (a) When voting a ballot sheet, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:
 - (i) mark the selected party on the straight party page or section; or
 - (ii) mark the name of each candidate from that party.
 - (b) To vote for candidates from two or more political parties, the voter may:
 - (i) mark in the squares or positions opposite the names of the candidates for whom the voter wishes to vote without marking in any circle; or
 - (ii) indicate the voter's choice by:
 - (A) marking in the circle or position above one political party; and
 - (B) marking in the squares or positions opposite the names of desired candidates who are members of any party, are unaffiliated, or are listed without party name.
- (3)
 - (a) When voting an electronic ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:
 - (i) select that party on the straight party selection area; or
 - (ii) select the name of each candidate from that party.
 - (b) To vote for candidates from two or more political parties, the voter may:
 - (i) select the names of the candidates for whom the voter wishes to vote without selecting a political party in the straight party selection area; or
 - (ii)
 - (A) select a political party in the straight party selection area; and
 - (B) select the names of the candidates for whom the voter wishes to vote who are members of any party, are unaffiliated, or are listed without party name.
- (4) In any election other than a primary election, if a voter voting a ballot has selected or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.
- (5)
 - (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:
 - (i) by entering the name of a valid write-in candidate:
 - (A) by writing the name of a valid write-in candidate in the blank write-in section of the ballot;
 - or
 - (B) by affixing a sticker with the office and name of the valid write-in name printed on it in the blank write-in part of the ballot; and
 - (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's vote.
 - (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person whose name is written or whose sticker appears in the blank write-in part of the ballot, if a mark is made opposite that name.
 - (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on the ticket below the marked circle does not affect the validity of the vote.
- (6) The voter may cast a write-in vote on an electronic ballot by:
 - (a) marking the appropriate position opposite the area for entering a write-in candidate for the office sought by the candidate for whom the voter wishes to vote; and
 - (b) entering the name of a valid write-in candidate in the write-in selection area.

Amended by Chapter 296, 2015 General Session

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

- (1) A person may not take or remove any ballot from the polling place before the close of the polls.
- (2) If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.
- (3) If any ballot is spoiled by the printer or a poll worker, the poll worker shall give the voter a new ballot.
- (4) The poll worker shall:
 - (a) immediately write the word "spoiled" across the face of the ballot; and
 - (b) place the ballot in the envelope for spoiled ballots.

Amended by Chapter 75, 2007 General Session

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

- (1) Any voter who has a disability, or is blind, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by a person of the voter's choice.
- (2) The person providing assistance may not be:
 - (a) the voter's employer;
 - (b) an agent of the employer;
 - (c) an officer or agent of the voter's union; or
 - (d) a candidate.
- (3) The person providing assistance may not request, persuade, or otherwise induce the voter to vote for or vote against any particular candidate or issue or release any information regarding the voter's selection.
- (4) Each time a voter is assisted, the poll worker shall note that fact in the official register and the pollbook.

Amended by Chapter 366, 2011 General Session

20A-3-109 Instructions to voters.

- (1) If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two poll workers, each from a different political party, shall instruct the voter.
- (2) After instructing the voter, and before the voter has cast his vote, the poll worker shall leave the voting booth so that the voter may vote in secret.
- (3) A poll worker instructing a voter about the voting process may not request, suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any particular candidate, or for or against any ballot proposition.

Amended by Chapter 75, 2007 General Session

Part 2
Poll Watchers and Challenges to Voters

20A-3-201 Watchers.

- (1)
 - (a)

- (i) For each regular general election or statewide special election, and for each regular primary and Western States Presidential Primary, each registered political party and any person interested in a ballot proposition appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
 - (ii) Each party poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the county chair of each of the parties.
 - (iii) Each issue poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the individual appointing him.
- (b)
 - (i) For each municipal general election, municipal primary, local special election, or bond election that uses paper ballots, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
 - (ii) For each municipal general election, municipal primary, local special election, or bond election that uses ballot sheets, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
 - (iii) Each candidate poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the candidate appointing him.
 - (iv) Each issue poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the individual appointing him.
- (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise absent, that poll watcher may substitute some other watcher of similar political beliefs by informing the poll workers of the substitution by affidavit.
- (3) Voting poll watchers may watch and observe the voting process, and may make a written memorandum, but they may not interfere in any way with the process of voting except to challenge a voter as provided in this part.
- (4) The counting poll watcher shall remain in the counting room, except in the case of necessity, until the close of the polls and may not divulge the progress of the count until the count is completed.
- (5)
 - (a) It is unlawful for a counting poll watcher to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.
 - (b) Any person who violates this subsection is guilty of a third degree felony.
- (6) The inspecting poll watcher may be present in the office of the clerk or recorder to whom ballots are delivered after elections to:
 - (a) inspect the condition of the packages containing the ballots upon their arrival; and
 - (b) observe the placement of these packages in a safe and secure place.
- (7)

- (a) Prior to each election in which a ballot sheet or electronic ballot is used, any interested person may act as a testing watcher to observe a demonstration of logic and accuracy testing of the voting devices prior to the commencement of voting.
- (b) The election officer shall give prior notice of the logic and accuracy testing demonstration at least two days prior to the date of the demonstration by publishing notice of the date, time, and location of the demonstration:
 - (i) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (ii) as required in Section 45-1-101.
- (c) An election official shall provide, upon request, a copy of testing results to a testing watcher.

Amended by Chapter 388, 2009 General Session

20A-3-201.5 Definitions.

As used in this part:

- (1) "Challenged voter" means a person whose right to vote is challenged as provided in this part.
- (2) "Filer" means a person who files a written statement challenging another person's right to vote as provided in Section 20A-3-202.3.

Enacted by Chapter 83, 2010 General Session

20A-3-202 Challenges to a voter's eligibility -- Basis for challenge -- Procedures.

- (1) A person's right to vote may be challenged because:
 - (a) the voter is not the person whose name appears in the official register or under which name the right to vote is claimed;
 - (b) the voter is not a resident of Utah;
 - (c) the voter is not a citizen of the United States;
 - (d) the voter has not or will not have resided in Utah for 30 days immediately before the date of the election;
 - (e) the voter's principal place of residence is not in the voting precinct claimed;
 - (f) the voter's principal place of residence is not in the geographic boundaries of the election area;
 - (g) the voter has already voted in the election;
 - (h) the voter is not at least 18 years of age;
 - (i) the voter has been convicted of a misdemeanor for an offense under this title and the voter's right to vote in an election has not been restored under Section 20A-2-101.3;
 - (j) the voter is a convicted felon and the voter's right to vote in an election has not been restored under Section 20A-2-101.5; or
 - (k) in a regular primary election or in the Western States Presidential Primary, the voter does not meet the political party affiliation requirements for the ballot the voter seeks to vote.
- (2) A person who challenges another person's right to vote at an election shall do so according to the procedures and requirements of:
 - (a) Section 20A-3-202.3, for challenges issued in writing more than 21 days before the day on which voting commences; or
 - (b) Section 20A-3-202.5, for challenges issued in person at the time of voting.

Amended by Chapter 251, 2012 General Session

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

- (1)
 - (a) A person may challenge the right to vote of a person whose name appears on the official register by filing with the election officer, during regular business hours and not later than 21 days before the date that early voting commences, a written statement that:
 - (i) lists the name and address of the person filing the challenge;
 - (ii) for each voter who is challenged:
 - (A) identifies the name of the challenged voter;
 - (B) lists the last known address or telephone number of the challenged voter;
 - (C) provides the basis for the challenge, as provided under Section 20A-3-202;
 - (D) provides facts and circumstances supporting the basis provided; and
 - (E) may include supporting documents, affidavits, or other evidence; and
 - (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:
 - (A) the filer exercised due diligence to personally verify the facts and circumstances establishing the basis for the challenge; and
 - (B) according to the filer's personal knowledge and belief, the basis for the challenge under Section 20A-3-202 for each challenged voter is valid.
 - (b) The challenge may not be based on unsupported allegations or allegations by an anonymous person.
 - (c) The election officer may provide a form that meets the requirements of this section for challenges filed under this section.
- (2)
 - (a) If the challenge is not in the proper form or if the basis for the challenge does not meet the requirements of this part, the election officer may dismiss the challenge and notify the filer in writing of the reasons for the dismissal.
 - (b) A challenge is not in the proper form if the challenge form is incomplete.
- (3) Upon receipt of a challenge that meets the requirements for filing under this section, the election officer shall, at least 14 days before the day on which early voting commences, attempt to notify each challenged voter:
 - (a) that a challenge has been filed against the challenged voter and the challenged voter may be required to cast a provisional ballot at the time of voting;
 - (b) of the basis for the challenge, which may include providing a copy of the written statement to the challenged voter; and
 - (c) that the challenged voter may submit information, a sworn statement, supporting documents, affidavits, or other evidence supporting the challenged voter's right to vote in the election to the election officer no later than seven days before the day on which early voting commences.
- (4)
 - (a) Before the day on which early voting commences, the election officer shall determine whether each challenged voter is eligible to vote.
 - (b)
 - (i) The filer of the challenge has the burden to prove, by clear and convincing evidence, that the basis for challenging the voter's right to vote is valid.
 - (ii) The election officer shall resolve the challenge based on the available facts and information submitted, which may include voter registration records and other documents or information available to the election officer.

- (5) A person who files a challenge under the requirements of this section is subject to criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
- (6)
 - (a) A decision of the election officer regarding a person's eligibility to vote may be appealed to the district court having jurisdiction over the location where the challenge was filed.
 - (b) The district court shall uphold the decision of the election officer unless the district court determines that the decision was arbitrary, capricious, or unlawful.
 - (c) In making the district court's determination, the district court's review is limited to:
 - (i) the information submitted under Subsection (1)(a) by the person challenging the voter's eligibility;
 - (ii) the information submitted under Subsection (3)(c) by the challenged voter; and
 - (iii) any additional facts and information used by the election official to determine whether the challenged voter is eligible to vote, as indicated by the election official.
- (7) A challenged voter may register to vote or change the location of the voter's voter registration if otherwise legally entitled to do so.
- (8) All documents pertaining to a voter challenge are public records.

Amended by Chapter 19, 2015 General Session

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

- (1)
 - (a) A poll worker or a person who lives in the voting precinct may challenge a voter's right to vote in that voting precinct or in that election if:
 - (i) the person making the challenge and the challenged voter are both present at the polling place at the time the challenge is made; and
 - (ii) the challenge is made when the challenged voter applies for a ballot.
 - (b) A person may make a challenge by orally stating the challenged voter's name and the basis for the challenge, as provided under Section 20A-3-202.
- (2) The poll worker shall record a challenge in the official register and on the challenge sheets in the pollbook, including:
 - (a) the name of the challenged voter;
 - (b) the name of the person making the challenge; and
 - (c) the basis asserted for the challenge.
- (3) If a voter's right to vote is challenged under this section, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

Enacted by Chapter 83, 2010 General Session

20A-3-203 Officer or watcher revealing vote.

- (1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted or to communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.
- (2) Any person who violates this section is guilty of a class A misdemeanor.

Enacted by Chapter 1, 1993 General Session

Part 3 Absentee Voting

20A-3-301 Voting by absentee ballot.

- (1) Any person who is registered to vote may vote by absentee ballot.
- (2) Except as provided in Section 20A-3-702, a registered voter may not vote in person if the voter voted by absentee ballot.

Amended by Chapter 198, 2013 General Session

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

- (1) Notwithstanding Section 17B-1-306, an election officer may administer an election entirely by absentee ballot.
- (2) If the election officer decides to administer an election entirely by absentee ballot, the election officer shall mail to each registered voter within that voting precinct:
 - (a) an absentee ballot;
 - (b) for an election administered by a county clerk, information regarding the location and hours of operation of any election day voting center at which the voter may vote;
 - (c) a courtesy reply mail envelope;
 - (d) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
 - (e) for an election administered by an election officer other than a county clerk, if the election officer does not operate a polling location or an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.
- (3) A voter who votes by absentee ballot under this section is not required to apply for an absentee ballot as required by this part.
- (4) An election officer who administers an election entirely by absentee ballot shall:
 - (a)
 - (i) obtain, in person, the signatures of each voter within that voting precinct before the election;
 - or
 - (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
 - (b) maintain the signatures on file in the election officer's office.
- (5)
 - (a) Upon receiving the returned absentee ballots, the election officer shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.
 - (b) If the election officer questions the authenticity of the signature on the absentee ballot, the election officer shall immediately contact the voter to verify the signature.
 - (c) If the election official determines that the signature on the absentee ballot does not match the voter's signature that is maintained on file, the election officer shall:
 - (i) unless the absentee ballot application deadline described in Section 20A-3-304 has passed, immediately send another absentee ballot and other voting materials as required by this section to the voter; and
 - (ii) disqualify the initial absentee ballot.
- (6) A county that administers an election entirely by absentee ballot:

- (a) shall provide at least one election day voting center in accordance with Title 20A, Chapter 3, Part 7, Election Day Voting Center;
- (b) shall ensure that an election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities; and
- (c) is not required to pay return postage for an absentee ballot.

Amended by Chapter 173, 2015 General Session

20A-3-303 Form of absentee ballot.

- (1) For all elections, the election officer shall:
 - (a) cause a sufficient number of official ballots to be known as absentee ballots to be prepared and printed; and
 - (b) ensure that the absentee ballots are prepared and printed in the same form, are of the same size and texture, and contain the same information as the regular official ballot.
- (2) The election officer may prepare absentee ballots as paper ballots or ballot sheets or may use both methods.

Amended by Chapter 193, 2008 General Session

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

- (1)
 - (a) Any registered voter who wishes to vote an absentee ballot may either:
 - (i) file an absentee ballot application:
 - (A) on the electronic system maintained by the lieutenant governor under Section 20A-2-206; or
 - (B) with the appropriate election officer for an official absentee ballot as provided in this section; or
 - (ii) vote in person at the office of the appropriate election officer as provided in Section 20A-3-306.
 - (b) A person that collects a completed absentee ballot application from a registered voter shall file the completed absentee ballot application with the appropriate election official before the earlier of:
 - (i) 14 days after the day on which the registered voter signed the absentee ballot form; or
 - (ii) the Thursday before the next election.
- (2) As it relates to an absentee ballot application to be filled out entirely by the voter:
 - (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications:
 - (i) in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply for an official absentee ballot to be voted by me at the election.
Date _____ (month\day\year) Signed _____
Voter"; and
 - (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:
 - (A) until the voter requests otherwise at a future date; or
 - (B) until a date specified by the voter in the application form; and
 - (b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for the Western States Presidential Primary:

(i) in substantially the following form:

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

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

Dated _____ (month\day\year) _____ Signed _____
Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

- (A) until the voter requests otherwise at a future date; or
- (B) until a date specified by the voter in the application form.

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

- (a) mail or fax the application form to the absentee voter; or
- (b) deliver the application form to any voter who personally applies for it at the office of the election officer.

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

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

(i) in substantially the following form:

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

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

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

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

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

OR

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

Date _____ (month\day\year) Signed _____
Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

- (A) until the voter requests otherwise at a future date; or
- (B) until a date specified by the voter in the application form; and

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

(i) in substantially the following form:

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

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

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

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

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

OR

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

Dated _____ (month\day\year) ____ Signed _____
Voter"; and

- (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:
 - (A) until the voter requests otherwise at a future date; or
 - (B) until a date specified by the voter in the application form.
- (5) The forms described in Subsections (2) and (4) shall contain instructions on how a voter may cancel an absentee ballot application.
- (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the lieutenant governor or appropriate election officer no later than the Thursday before election day.
- (7)
 - (a) A county clerk shall establish an absentee voter list containing the name of each voter who:
 - (i) requests absentee voter status; and
 - (ii) meets the requirements of this section.
 - (b) A county clerk may not remove a voter's name from the list described in Subsection (7)(a) unless:
 - (i) the voter is no longer listed in the official register;
 - (ii) the voter cancels the voter's absentee status; or
 - (iii) the voter's name is removed on the date specified by the voter on the absentee ballot application form.
 - (c)
 - (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on the absentee voter list.
 - (ii) The questionnaire shall allow the voter to:
 - (A) verify the voter's residence; or
 - (B) cancel the voter's absentee status.
 - (d) The clerk shall provide a copy of the absentee voter list to election officers for use in elections.

Amended by Chapter 394, 2015 General Session

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

- (1) As used in this section:
 - (a) "Qualified absentee ballot application" means an absentee ballot application filed under Section 20A-3-304 from a voter who the election officer determines is eligible to receive an absentee ballot.
 - (b) "Voting history record" means the information about the existence and status of absentee ballot requests required by this section.
- (2)
 - (a) Each election officer shall maintain, in the election officer's office, a voting history record of those voters that have cast a vote by:

- (i) absentee ballot; and
- (ii) early voting.
- (b) The voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (3) The election officer shall ensure that the voting history record for each voting precinct contains:
 - (a) for absentee voting:
 - (i) the name and address of each person who has filed a qualified absentee ballot application;
 - (ii) the date that the application was received; and
 - (iii) the current status of each qualified absentee ballot application including specifically:
 - (A) the date that the absentee ballot was mailed to the voter; and
 - (B) the date that the voted absentee ballot was received by the election officer; and
 - (b) for early voting:
 - (i) the name and address of each person who has voted during the early voting period; and
 - (ii) the date the person's vote was cast.
- (4)
 - (a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the election officer shall ensure that the information required by this section is recorded and made available to the public no later than one business day after its receipt in the election officer's office.
 - (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements established in any ordinance, the election officer shall make copies of the voting history record available to the public for the actual cost of production or copying.

Amended by Chapter 382, 2008 General Session

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

- (1)
 - (a) Upon timely receipt of an absentee voter application properly filled out and signed less than 30 days before the election, the election officer shall either:
 - (i) give the applicant an official absentee ballot and envelope to vote in the office; or
 - (ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an envelope printed as required in Subsection (2).
 - (b) No later than 21 days before election day, the election officer shall mail an official absentee ballot, postage paid, to all absentee voters, other than to a uniformed-service voter or an overseas voter, who have submitted a properly filled out and signed absentee voter application before the day on which the ballots are mailed and enclose an envelope printed as required by Subsection (2).
- (2) The election officer shall ensure that:
 - (a) the name, official title, and post office address of the election officer is printed on the front of the envelope; and
 - (b) a printed affidavit in substantially the following form is printed on the back of the envelope: "County of _____ State of _____
I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signature of Absentee Voter"

- (3) If the election officer determines that the absentee voter is required to show valid voter identification, the election officer shall:
- (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;
 - (b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot;
 - (c) provide the voter clear instructions on how to vote a provisional ballot; and
 - (d) comply with the requirements of Subsection (2).

Amended by Chapter 24, 2016 General Session

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

- (1)
- (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the absentee voter shall:
 - (i) complete and sign the affidavit on the envelope;
 - (ii) mark the votes on the absentee ballot;
 - (iii) place the voted absentee ballot in the envelope;
 - (iv) securely seal the envelope; and
 - (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.
 - (b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at the office of the election officer, the absent voter shall:
 - (i) complete and sign the affidavit on the envelope;
 - (ii) mark the votes on the absent-voter ballot;
 - (iii) place the voted absent-voter ballot in the envelope;
 - (iv) securely seal the envelope; and
 - (v) give the ballot and envelope to the election officer.
- (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:
- (a) in the case of an absentee ballot that is voted in person, the ballot is:
 - (i) applied for and cast in person at the office of the appropriate election officer no later than the Thursday before election day; or
 - (ii) submitted on election day at a polling location in the political subdivision where the absentee voter resides;
 - (b) in the case of an absentee ballot that is submitted by mail, the ballot is:
 - (i) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day; and
 - (ii) received in the office of the election officer before noon on the day of the official canvass following the election; or
 - (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with Section 20A-16-404.
- (3) An absentee voter may submit a completed absentee ballot at a polling location in a political subdivision holding the election, if the absentee voter resides in the political subdivision.
- (4) An absentee voter may submit an incomplete absentee ballot at a polling location for the voting precinct where the voter resides, request that the ballot be declared spoiled, and vote in person.

Amended by Chapter 124, 2015 General Session

20A-3-306.5 Emergency absentee ballots.

- (1) As used in this section, "hospitalized voter" means a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution after the deadline for filing an application for an absentee ballot established in Section 20A-3-304.
- (2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an absentee ballot and vote on election day by following the procedures and requirements of this section.
- (3)
 - (a) Any person may obtain an absentee ballot application, an absentee ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the election officer's office.
 - (b) The election officer shall require the person to sign a statement identifying himself and the hospitalized voter.
- (4) To vote, the hospitalized voter shall complete the absentee ballot application, complete and sign the application on the absentee ballot envelope, mark his votes on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope unless a different method is authorized under Section 20A-1-308.
- (5) To be counted, the absentee voter application and the sealed absentee ballot envelope must be returned to the election officer's office before the polls close on election day unless a different time is authorized under Section 20A-1-308.

Amended by Chapter 219, 2013 General Session

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

- (1) Except as provided in Subsection (2), upon receipt of an envelope containing an absentee ballot, the election officer shall:
 - (a) enclose the unopened envelope containing the absentee ballot and the written application of the absentee voter in a larger envelope;
 - (b) seal that envelope and endorse it with:
 - (i) the name or number of the proper voting precinct;
 - (ii) the name and official title of the election officer; and
 - (iii) the words "This envelope contains an absentee ballot and may only be opened on election day at the polls while the polls are open."; and
 - (c) safely keep the envelope locked in a secure place in the election officer's office until it is delivered by the election officer to the proper election judges.
- (2) If the election officer receives envelopes containing absentee ballots too late to transmit them to the election judges on election day, the election officer shall retain those absentee ballots in a safe and secure place until they can be processed as provided in Section 20A-3-309.
- (3)
 - (a) Except as provided in Subsection (3)(c), when reasonably possible, the election officer shall deliver or mail valid absentee ballots to the appropriate voting precinct election judges so that they may be processed at the voting precinct on election day.
 - (b) If the election officer is unable to determine the voting precinct to which an absentee ballot should be sent, or if a valid absentee ballot is received too late for delivery on election day to election judges, the election officer shall retain the absentee ballot in a safe place until it can be processed as required by Section 20A-3-309.
 - (c) When the absentee ballots will be centrally counted, the election officer shall deliver those absentee ballots to the counting center on election day for counting.

Amended by Chapter 309, 2012 General Session

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

- (1)
 - (a) Voting precinct poll workers shall open envelopes containing absentee ballots that are in their custody on election day at the polling places during the time the polls are open as provided in this Subsection (1).
 - (b) The poll workers shall:
 - (i) first, open the outer envelope only; and
 - (ii) compare the signature of the voter on the application with the signature on the affidavit.
- (2)
 - (a) The poll workers shall carefully open and remove the absentee voter envelope so as not to destroy the affidavit on the envelope if they find that:
 - (i) the affidavit is sufficient;
 - (ii) the signatures correspond; and
 - (iii) the applicant is registered to vote in that voting precinct and has not voted in that election.
 - (b) If, after opening the absentee voter envelope, the poll worker finds that a provisional ballot envelope is enclosed, the poll worker shall:
 - (i) record, in the official register, whether:
 - (A) the voter included valid voter identification; or
 - (B) a covered voter, as defined in Section 20A-16-102, did not provide valid voter identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;
 - (ii) if any type of identification was included, record the type of identification provided by the voter in the appropriate space in the official register;
 - (iii) record the provisional ballot number on the official register; and
 - (iv) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.
 - (c) If the absentee ballot is not a provisional ballot, the poll workers shall:
 - (i) remove the absentee ballot from the envelope without unfolding it or permitting it to be opened or examined;
 - (ii) initial the stub in the same manner as for other ballots;
 - (iii) remove the stub from the ballot;
 - (iv) deposit the ballot in the ballot box; and
 - (v) mark the official register and pollbook to show that the voter has voted.
- (3) If the poll workers determine that the affidavit is insufficient, or that the signatures do not correspond, or that the applicant is not a registered voter in the voting precinct, they shall:
 - (a) disallow the vote; and
 - (b) without opening the absentee voter envelope, mark across the face of the envelope:
 - (i) "Rejected as defective"; or
 - (ii) "Rejected as not a registered voter."
- (4) The poll workers shall deposit the absentee voter envelope, when the absentee ballot is voted, and the absentee voter envelope with its contents unopened when the absent vote is rejected, in the ballot box containing the ballots.
- (5)
 - (a) An election officer shall notify a voter if a poll worker rejects the voter's ballot and specify the reason for the rejection.
 - (b) An election officer shall give the notice described in Subsection (5)(a) to a voter no later than seven days after:

- (i) election day if the election officer receives the ballot before or on election day; and
 - (ii) the canvass if the election officer receives the ballot after election day and before the end of the canvass.
- (6) The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Amended by Chapter 309, 2012 General Session

20A-3-309 Absentee ballots and provisional ballots in the custody of the election officer -- Disposition -- Counting -- Release of number of absentee ballots cast.

- (1) The election officer shall deliver all envelopes containing valid absentee ballots and valid provisional ballots that are in the election officer's custody to the place of the official canvass of the election by noon on the day of the official canvass following the election.
- (2)
- (a) Valid absentee ballots and valid provisional ballots may be processed and counted:
 - (i) by the election officer before the date of the canvass; and
 - (ii) at the canvass, by the election officer or poll workers, acting under the supervision of the official canvassers of the election.
 - (b) When processing ballots, the election officer and poll workers shall comply with the procedures and requirements of Section 20A-3-308 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing them in a ballot box.
- (3)
- (a) After all valid absentee ballots and valid provisional ballots have been deposited, the ballots shall be counted in the usual manner.
 - (b) After the polls close on the date of the election, the election officer shall publicly release the results of those absentee ballots and provisional ballots that have been counted on or before the date of the election.
 - (c) Except as provided in Subsection (3)(d), on each day, beginning on the day after the date of the election and ending on the day before the date of the canvass, the election officer shall publicly release the results of all absentee ballots and provisional ballots counted on that day.
 - (d)
 - (i) If complying with Subsection (3)(c) on a particular day will likely result in disclosing a vote cast by an individual voter, the election officer shall request permission from the lieutenant governor to delay compliance for the minimum number of days necessary to protect against disclosure of the voter's vote.
 - (ii) The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's vote.
 - (e) On the date of the canvass, the election officer shall provide a tally of all absentee ballots and provisional ballots counted, and the resulting tally shall be added to the official canvass of the election.
- (4)
- (a) On the day after the date of the election, the election officer shall determine the number of absentee ballots received by the election officer at that time and shall make that number available to the public.
 - (b) The election officer may elect to publicly release updated totals for the number of absentee ballots received by the election officer up through the date of the canvass.

Amended by Chapter 37, 2016 General Session

20A-3-310 Frauds and malfeasance in absent voting -- Penalty.

- (1)
 - (a) It is unlawful for any person to willfully falsify the absentee voter affidavits required by this part.
 - (b) Any person violating this subsection is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.
- (2)
 - (a) It is unlawful for any election officer to:
 - (i) refuse or neglect to perform any of the duties required by this part; or
 - (ii) violate any of the provisions of this part.
 - (b) Any person who violates this subsection is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

**Part 5
Voting Offenses**

20A-3-501 Polling place -- Prohibited activities.

- (1) As used in this section:
 - (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and
 - (b) "polling place" means the physical place where ballots and absentee ballots are cast and includes the county clerk's office or city hall during the period in which absentee ballots may be cast there.
- (2)
 - (a) A person may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:
 - (i) do any electioneering;
 - (ii) circulate cards or handbills of any kind;
 - (iii) solicit signatures to any kind of petition; or
 - (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.
 - (b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.
- (3)
 - (a) A person may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.
 - (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest any person creating an obstruction.
- (4) A person may not:
 - (a) remove any ballot from the polling place before the closing of the polls, except as provided in Section 20A-4-101; or
 - (b) solicit any voter to show his ballot.

- (5) A person may not receive a voted ballot from any voter or deliver an unused ballot to a voter unless that person is a poll worker.
- (6) Any person who violates any provision of this section is guilty of a class A misdemeanor.
- (7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Amended by Chapter 75, 2007 General Session
Amended by Chapter 329, 2007 General Session

20A-3-502 Intimidation -- Undue influence.

- (1)
 - (a) It is unlawful for any person, directly or indirectly, by himself or by any other person on his behalf, to make use of any force, violence, or restraint, or to inflict or threaten the infliction of, by himself or through any other person, any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel that person to:
 - (i) vote or refrain from voting for any particular person or measure at any election provided by law; or
 - (ii) vote or refrain from voting at any election.
 - (b) It is unlawful for any person by abduction or duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in giving or refraining from giving his vote at any election, or in giving or refraining from giving his vote for any particular person at any election.
 - (c) It is unlawful for any employer, corporation, association, company, firm, or person to:
 - (i) enclose their employees' salary or wages in envelopes on which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employees; or
 - (ii) within 90 days of any election provided by law to put up, or otherwise exhibit, in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where employees may be working or be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:
 - (A) work in the establishment will cease in whole or in part;
 - (B) the establishment will be closed;
 - (C) wages of workmen be reduced; or
 - (D) other threats, express or implied, intended or calculated to influence the political opinions or actions of employees.
- (2) Any person, whether acting in his individual capacity or as an officer or agent of any corporation, who violates any of the provisions of this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-503 Influencing employee's vote.

- (1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote

or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.

- (2)
- (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.
 - (b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law.

Enacted by Chapter 1, 1993 General Session

20A-3-504 Violations -- Penalties.

- (1) Except as allowed by Subsection (3) or Section 20A-3-108, an individual is guilty of a class C misdemeanor if the individual:
- (a) allows the individual's ballot to be seen by another with the intent to reveal how the individual is about to vote;
 - (b) states falsely that the individual is unable to mark the individual's ballot;
 - (c) interferes or attempts to interfere with any individual who is inside the voting booth or who is marking a ballot;
 - (d) induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how the voter marked the voter's ballot; or
 - (e) takes a photograph of a ballot, other than the individual's own ballot, at a polling place.
- (2) The election judges and clerks shall report any individual who violates this section to the county attorney or district attorney having state criminal jurisdiction for prosecution.
- (3) Subsection (1) does not prohibit an individual from transferring a photograph of the individual's own ballot in a manner that allows the photograph to be viewed by the individual or another.

Amended by Chapter 55, 2015 General Session

20A-3-505 False impersonation -- Double voting.

- (1)
- (a) A person may not apply for a ballot:
 - (i) in the name of some other person, whether it is that of a person living or dead, or of a fictitious person; or
 - (ii) after having voted once at an election, apply again at the same election for a ballot in the person's own name or any other name.
 - (b) Any person who violates Subsection (1)(a) is guilty of a third degree felony.
- (2)
- (a) A person may not aid, assist, counsel, or procure another person to commit the felony prohibited in Subsection (1)(a).
 - (b) Any person who violates Subsection (2)(a) is guilty of a class A misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-3-506 False information on provisional ballot envelope.

- (1) A person may not wilfully falsify information on a provisional ballot envelope.
- (2) A person who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 15, 2006 General Session

Part 6 Early Voting

20A-3-601 Early voting.

- (1)
 - (a) An individual who is registered to vote may vote before the election date in accordance with this section.
 - (b) An individual who is not registered to vote may register to vote and vote before the election date in accordance with this section if the individual:
 - (i) is otherwise legally entitled to vote the ballot in a jurisdiction that is approved by the lieutenant governor to participate in the pilot project described in Section 20A-4-108; and
 - (ii) casts a provisional ballot in accordance with Section 20A-4-108.
- (2) Except as provided in Section 20A-1-308, the early voting period shall:
 - (a) begin on the date that is 14 days before the date of the election; and
 - (b) continue through the Friday before the election if the election date is a Tuesday.
- (3) Except as provided in Section 20A-1-308, during the early voting period, the election officer:
 - (a) for a local special election, a municipal primary election, and a municipal general election:
 - (i) shall conduct early voting on a minimum of four days during each week of the early voting period; and
 - (ii) shall conduct early voting on the last day of the early voting period; and
 - (b) for all other elections:
 - (i) shall conduct early voting on each weekday; and
 - (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- (4) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered according to the requirements of this title.

Amended by Chapter 79, 2015 General Session

20A-3-602 Hours for early voting.

- (1) Except as provided in Section 20A-1-308, the election officer shall determine the times for opening and closing the polls for each day of early voting provided that:
 - (a) voting is open for a minimum of four hours during each day that polls are open during the early voting period; and
 - (b) polls shall close at 5 p.m. on the last day of the early voting period.
- (2) Except as provided in Section 20A-1-308, each registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

Amended by Chapter 182, 2013 General Session

20A-3-603 Early voting polling places.

- (1) Except as provided in Section 20A-1-308, the election officer shall designate one or more polling places for early voting, provided that:
 - (a) at least one polling place is open on each day that polls are open during the early voting period;

- (b) each polling place meets the requirements for polling places under Chapter 5, Election Administration;
 - (c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place are accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and
 - (d) each polling place is located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:
 - (i) can be scheduled for use during early voting hours;
 - (ii) has the physical facilities necessary to accommodate early voting requirements;
 - (iii) has adequate space for voting equipment, poll workers, and voters; and
 - (iv) has adequate security, public accessibility, and parking.
- (2)
- (a) Except as provided in Section 20A-1-308, in the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.
 - (b) Except as provided in Section 20A-1-308, if an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the additional polling place by:
 - (i) publishing the notice:
 - (A) in one issue of a newspaper of general circulation in the county; and
 - (B) as required in Section 45-1-101; and
 - (ii) posting the notice at the additional polling place.
- (3) Except as provided in Section 20A-1-308, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

Amended by Chapter 182, 2013 General Session

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

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

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

Amended by Chapter 182, 2013 General Session

20A-3-605 Exemptions from early voting.

- (1)
 - (a) This part does not apply to an election of a board member of a local district.

- (b) Notwithstanding Subsection (1)(a), a local district may, at its discretion, provide early voting in accordance with this part for an election of a board member.
- (2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth class or a town as described in Section 10-2-301 may provide early voting as provided under this part for:
 - (a) a municipal primary election; or
 - (b) a municipal general election.
- (3) A municipality or county that administers an election entirely by absentee ballot, in accordance with Section 20A-3-302, is not required to conduct early voting for the election.

Amended by Chapter 320, 2013 General Session

Part 7 Election Day Voting Center

20A-3-701 Definitions.

As used in this part:

- (1) "Election day voting center" means a polling place designated by an election officer to provide for voting on election day for a person who:
 - (a) is eligible to vote; and
 - (b) resides within the political subdivision holding the election.
- (2) "Voting center ballot" means a regular ballot that:
 - (a) is provided at an election day voting center; and
 - (b) may be retrieved by the election official during the canvass if the voter cast a ballot at another location or before election day.

Enacted by Chapter 291, 2011 General Session

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

- (1) An election officer may operate an election day voting center in one or more locations designated under Section 20A-3-703.
- (2) An election officer shall provide for voting at an election day voting center by:
 - (a) regular ballot if:
 - (i) the election day voting center is designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides; and
 - (ii) the voter is eligible to vote using a regular ballot in accordance with this title;
 - (b) voting center ballot if:
 - (i) the election day voting center is not designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides;
 - (ii) the voter resides within the political subdivision holding the election; and
 - (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this title; or
 - (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in accordance with this title.
- (3) An election officer shall ensure that an election day voting center:
 - (a) is open on election day during the time period specified under Section 20A-1-302;
 - (b) allows an eligible voter to vote if the voter:

- (i) resides within the political subdivision holding an election; and
 - (ii) arrives at the election day voting center by the designated closing time in accordance with Section 20A-1-302; and
 - (c) is administered according to the requirements of this title.
- (4) A person may submit a completed absentee ballot at an election day voting center for the political subdivision in which the person resides.
- (5) A person may submit an incomplete absentee ballot at an election day voting center for the political subdivision in which the person resides, request that the ballot be declared spoiled, and vote in person.

Amended by Chapter 198, 2013 General Session

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

The election officer may designate one or more polling places as an election day voting center if:

- (1) the election officer notifies the lieutenant governor of the designation and location of an election day voting center at least 15 days before the election;
- (2) a polling place meets the requirements for a polling place under Chapter 5, Election Administration; and
- (3) a polling place is located in a government building or office, unless the election officer determines that there is no government building or office available, in the area designated by the election officer, that:
 - (a) can be scheduled for use during election day voting hours;
 - (b) has the physical facilities necessary to accommodate election day voting requirements;
 - (c) has adequate space for voting equipment, poll workers, and voters; and
 - (d) has adequate security, public accessibility, and parking.

Enacted by Chapter 291, 2011 General Session