

20A-4-102 Counting paper ballots after the polls close.

- (1)
 - (a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.
 - (b) The election judges shall apply the standards and requirements of Section 20A-4-105 to resolve any questions that arise as they count the ballots.
- (2)
 - (a) First, the election judges shall count the number of ballots in the ballot box.
 - (b)
 - (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.
 - (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.
 - (c)
 - (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.
 - (ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.
 - (iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.
 - (d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.
- (3) The judges shall:
 - (a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and
 - (b) seal that envelope or container.
- (4) The judges shall:
 - (a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and
 - (b) seal that envelope or container.
- (5)
 - (a) In counting the votes, the election judges shall read and count each ballot separately.
 - (b) In regular primary elections the judges shall:
 - (i) count the number of ballots cast for each party;
 - (ii) place the ballots cast for each party in separate piles; and
 - (iii) count all the ballots for one party before beginning to count the ballots cast for other parties.
- (6)
 - (a) In all elections, the counting judges shall:
 - (i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;
 - (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;
 - (iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

- (iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;
 - (v) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;
 - (vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and
 - (vii) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.
- (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.
 - (c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.
 - (d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.
- (7) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

Amended by Chapter 177, 2002 General Session