

20A-4-105 Standards and requirements for evaluating voter's ballot choices.

- (1) Each person counting ballots shall apply the standards and requirements of this section to resolve any questions that arise as ballots are counted.
- (2) Except as provided in Subsection (11), if a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the choice of any voter for any office to be filled, the counter may not count that voter's ballot for that office.
- (3) The counter shall count a defective or incomplete mark on any paper ballot if:
 - (a) it is in the proper place; and
 - (b) there is no other mark or cross on the paper ballot indicating the voter's intent to vote other than as indicated by the defective mark.
- (4)
 - (a) When the voter has marked the ballot so that it appears that the voter has voted more than one straight ticket, the election judges may not count any votes for party candidates.
 - (b) The election judges shall count the remainder of the ballot if it is voted correctly.
- (5) A counter may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot or group of ballots show an intent by a person or group to mark their ballots so that their ballots can be identified.
- (6)
 - (a) In counting the ballots, the counters shall give full consideration to the intent of the voter.
 - (b) The counters may not invalidate a ballot because of mechanical and technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3, Voting.
- (7) The counters may not reject a ballot because of any error in:
 - (a) stamping or writing any official endorsement; or
 - (b) delivering the wrong ballots to any polling place.
- (8) The counter may not count any paper ballot that does not have the official endorsement by an election officer.
- (9) The counter may not count any ballot proposition vote or candidate vote for which the voter is not "legally entitled to vote" as used in Section 20A-4-107.
- (10) If the counter discovers that the name of a candidate voted for is misspelled or that the initial letters of a candidate's given name are transposed or omitted in part or altogether, the counter shall count the voter's vote for that candidate if it is apparent that the voter intended to vote for that candidate.
- (11) The counter shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.
- (12) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter.

Amended by Chapter 390, 2013 General Session