

20A-5-405 Election officer to provide ballots.

- (1) In jurisdictions using paper ballots, each election officer shall:
 - (a) provide printed official paper ballots and absentee ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be printed on each official paper ballot and absentee ballot;
 - (c) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (d) ensure that the official paper ballots are printed and in the possession of the election officer before commencement of voting;
 - (e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the official paper ballots and absentee ballots;
 - (h) cause sample ballots to be printed that are in the same form as official paper ballots and that contain the same information as official paper ballots but that are printed on different colored paper than official paper ballots;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) print and deliver, at the expense of the jurisdiction conducting the election, enough official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.
- (2) In jurisdictions using a punch card ballot, each election officer shall:
 - (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot labels for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be printed on each official ballot label;
 - (c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label;
 - (d) ensure that the official ballot labels are printed and in the possession of the election officer before the commencement of voting;

- (e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;
 - (h) cause sample ballots to be printed that contain the same information as official ballot labels but that are distinguishable from official ballot labels;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.
- (3) In jurisdictions using a ballot sheet other than a punch card, each election officer shall:
- (a) provide official ballot sheets and absentee ballot sheets for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to or filed with the election officer to be printed on each official ballot and absentee ballot;
 - (c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;
 - (d) ensure that the official ballots are printed and in the possession of the election officer before commencement of voting;
 - (e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;
 - (h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from the official ballots;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and

- (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) print and deliver, at the expense of the jurisdiction conducting the election, enough official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.
- (4) In jurisdictions using electronic ballots, each election officer shall:
- (a) provide official ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be displayed on each official ballot;
 - (c) cause each ballot proposition that has qualified for the ballot as provided by law to be displayed on each official ballot;
 - (d) ensure that the official ballots are prepared and in the possession of the election officer before commencement of voting;
 - (e) ensure that the absentee ballots are prepared and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;
 - (h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from official ballots;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) prepare and deliver official ballots, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.
- (5)
- (a) Each election officer shall, without delay, correct any error discovered in any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the correction can be made without interfering with the timely distribution of the paper ballots, ballot labels, ballot sheets, or electronic ballots.
 - (b)

- (i) If the election officer discovers an error or omission in a paper ballot, ballot label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets before they are distributed at the polls.
 - (ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.
- (c)
- (i) If the election officer refuses or fails to correct an error or omission in the paper ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may file a verified petition with the district court asserting that:
 - (A) an error or omission has occurred in:
 - (I) the publication of the name or description of a candidate;
 - (II) the preparation or display of an electronic ballot; or
 - (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets; and
 - (B) the election officer has failed to correct or provide for the correction of the error or omission.
 - (ii) The district court shall issue an order requiring correction of any error in a paper ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error should not be corrected if it appears to the court that the error or omission has occurred and the election officer has failed to correct it or failed to provide for its correction.
 - (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the decision of the district court.

Amended by Chapter 388, 2009 General Session