

**CERTIFICATION AND TESTING OF VOTING
EQUIPMENT**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig W. Buttars

This act modifies the Election Code by requiring election officers to ensure that voting equipment meets certain standards.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-5-302, as last amended by Chapter 21, Laws of Utah 1994

ENACTS:

20A-5-402.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-5-302** is amended to read:

20A-5-302. Automated voting system.

(1) Any county or municipal legislative body or special district board may:

(a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

(b) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with paper ballots.

(2) (a) Each automated voting system shall:

(i) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3-108;

(ii) permit each voter at any election to:

(A) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

(B) vote for as many persons for an office as that voter is entitled to vote; and

(C) vote for or against any ballot proposition upon which that voter is entitled to vote;

(iii) permit each voter, at presidential elections, by one mark or punch to vote for the

candidates of that party for president, vice president, and for their presidential electors;

(iv) permit each voter, at any regular general election, to vote for all the candidates of one registered political party by making one mark or punch;

(v) permit each voter to scratch vote;

(vi) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

(vii) at primary elections:

(A) permit each voter to vote for candidates of the political party of his choice; and

(B) reject any votes cast for candidates of another party;

(viii) prevent the voter from voting for the same person more than once for the same office;

(ix) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

(x) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots; ~~and~~

(xi) when properly operated, record correctly and count accurately each vote cast[-]; and

(xii) meet the requirements of Section 20A-5-402.5.

(b) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Section 2. Section **20A-5-402.5** is enacted to read:

20A-5-402.5. Certification of voting equipment.

(1) As used in this section, "voting equipment" means automatic tabulating equipment, electronic voting systems, voting devices, and voting machines.

(2) Each election officer shall ensure that:

(a) the voting equipment meets the Federal Voting Systems Standards established by the Federal Election Commission;

(b) the voting equipment used by the election officer is certified to meet those Federal Voting Systems Standards by an Independent Testing Authority approved by the National Association of State Election Directors; and

(c) the voting equipment is certified by the Lieutenant Governor of Utah as having met the requirements of this section.

(3) The lieutenant governor, as chief election officer, shall ensure that all voting equipment used in Utah complies with the requirements of this section.