

1st Sub. H.B. 211

INTEGRITY OF ELECTION RESULTS AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 5

MARCH 2, 2005 9:03 AM

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 1, Lines 12 through 13:*

12 This bill:

= ▶ **modifies the Election Code to provide that in counties of the first class, the listing of candidates on the ballot is determined by the legislative body of that county rather than by the election officer or county clerk in situations where there is discretion for placement of candidates;**

13 ▶ amends the Election Code to require that voting equipment be capable of producing

2. *Page 2, Lines 33 through 35:*

33 AMENDS:

34 20A-5-302, as last amended by Chapter 113, Laws of Utah 2002

20A-6-301, as last amended by Chapter 57, Laws of Utah 2001

20A-6-303, as last amended by Chapter 57, Laws of Utah 2001

20A-6-401.1, as enacted by Chapter 328, Laws of Utah 2000

35 67-1a-2, as last amended by Chapters 133 and 176, Laws of Utah 2002

3. *Page 4, Line 90:*

90 for use in the counting devices in which they are intended to be placed.

Section 2. Section 20A-6-301 is amended to read:

20A-6-301. Paper ballots -- Regular general election.

(1) Each election officer shall ensure that:

(a) all ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words "Judge's Initial ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Ballot for ____ County, Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words "county clerk";

(d) (i) each ticket is placed in a separate column on the ballot {~~in the order determined~~

~~by the election officer~~ } with the party emblem, followed by the party name, at the head of the column; and

(ii) the order of the placement of each ticket on the ballot shall be determined by:

(A) the election officer; or

(B) in a county of the first class, by the legislative body of that county;

- (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;
 - (f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;
 - (g) unaffiliated candidates and candidates not affiliated with a registered political party are listed in one column, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";
 - (h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;
 - (i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;
 - (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of an inch apart;
 - (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the right of the name of each candidate;
 - (l) for the offices of president and vice president and governor and lieutenant governor, one square with sides measuring not less than 1/4 of an inch in length is printed opposite a double bracket enclosing the right side of the names of the two candidates;
 - (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons to be elected with:
 - (i) the offices to be filled printed above the blank spaces on the ticket; and
 - (ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle;
 - (n) when required, the ballot includes a nonpartisan ticket placed immediately to the right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule running vertically the full length of the nonpartisan ballot copy; and
 - (o) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates.
- (2) Each election officer shall ensure that:
- (a) each person nominated by any political party or group of petitioners is placed on the ballot:
 - (i) under the party name and emblem, if any; or

- (ii) under the title of the party or group as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;
 - (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
 - (c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and
 - (d) the ballots contain no other names.
- (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight-point;
 - (b) the words designating the office are printed flush with the left-hand margin;
 - (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the column;
 - (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
 - (e) the names in each group are placed in alphabetical order with the surnames last, except for candidates for the State Board of Education and local school boards;
 - (f) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A-14-105;
 - (g) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot;
 - (h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk; and
 - (i) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to the number to be elected.
- (4) Each election officer shall ensure that:
- (a) proposed amendments to the Utah Constitution are listed on the ballot under the heading "Constitutional Amendment Number ___" with the number of the constitutional amendment as assigned under Section 20A-7-103 placed in the blank;
 - (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot under the heading "State Proposition Number ___" with the number of the state proposition as assigned under Section 20A-7-103 placed in the blank;
 - (c) propositions submitted to the voters by a county are listed on the ballot under the heading "County Proposition Number ___" with the number of the county proposition as assigned by the county legislative body placed in the blank;
 - (d) propositions submitted to the voters by a school district are listed on the ballot under the heading "School District Proposition Number ___" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

- (e) state initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Initiative Number ___" with the number of the state initiative as assigned by Section 20A-7-209 placed in the blank;
- (f) county initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Initiative Number ___" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;
- (g) state referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Referendum Number ___" with the number of the state referendum as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and
- (h) county referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Referendum Number ___" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank.

Section 3. Section 20A-6-303 is amended to read:

20A-6-303. Machine-counted ballots for regular general elections.

- (1) Each election officer shall ensure that:
 - (a) copy on the ballot labels are arranged in approximately the same order as paper ballots;
 - (b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;
 - (c) if pages are used, the pages placed on the voting device are of sufficient number to include, after the list of candidates:
 - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
 - (ii) any ballot propositions submitted to the voters for their approval or rejection;
 - (d) the ballot labels include a voting square or position where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch;
 - (e) the tickets are printed on the ballot label in the order determined by :

(i) the county clerk; or

(ii) in a county of the first class, the legislative body of that county;

- (f) the office titles are printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;
- (g) the party designation of each candidate is printed to the right or below the candidate's name; and
- (h) (i) if possible, all candidates for one office are grouped in one column or upon one page;
- (ii) if all candidates for one office cannot be listed in one column or grouped upon one page:
 - (A) the ballot label is clearly marked to indicate that the list of candidates is continued on the following column or page; and
 - (B) approximately the same number of names are printed in each column or on each page; and
- (i) arrows are used to indicate the place to vote for each candidate and on each measure.
- (2) Each election officer shall ensure that:
 - (a) proposed amendments to the Utah Constitution are listed on the ballot label under the heading

"Constitutional Amendment Number ___" with the number of the constitutional amendment as assigned under Section 20A-7-103 placed in the blank;

(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot label under the heading "State Proposition Number ___" with the number of the state proposition as assigned under Section 20A-7-103 placed in the blank;

(c) propositions submitted to the voters by a county are listed on the ballot label under the heading "County Proposition Number ___" with the number of the county proposition as assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed on the ballot label under the heading "School District Proposition Number ___" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot label under the heading "Citizen's State Initiative Number ___" with the number of the state initiative as assigned under Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot label under the heading "Citizen's County Initiative Number ___" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot label under the heading "Citizen's State Referendum Number ___" with the number of the state referendum as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

(h) county referenda that have qualified for the ballot are listed on the ballot label under the heading "Citizen's County Referendum Number ___" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank.

Section 4. Section 20A-6-401.1 is amended to read:

20A-6-401.1. Ballots for partisan municipal primary elections.

(1) If a municipality is using paper ballots, each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular primary election:

(i) are perforated to separate the candidates of one political party from those of the other political parties so that the voter may separate the part of the ballot containing the names of the political party of the voter's choice from the rest of the ballot;

(ii) have sides that are perforated so that the outside sections of the ballot, when detached, are similar in appearance to the inside sections of the ballot when detached; and

(iii) contain no captions or other endorsements except as provided in this section;

(b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(c) the political parties are printed on the ballot in the order determined by §

(i) the county clerk; or

(ii) in a county of the first class, the legislative body of that county;

(d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the top of the

ballot;

(ii) the ballot number and the words "Judge's Initials ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(e) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for ____ County, Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words "county clerk";

(f) after the facsimile signature, the political party emblem and the name of the political party are printed;

(g) after the party name and emblem, the ballot contains the following printed in not smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, place a cross (X) in the square at the right of the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;

(h) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;

(i) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(j) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates;

(k) the candidate groups are separated from each other by one light and one heavy line or rule; and

(l) the nonpartisan candidates are listed as follows:

(i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of the party listing above; and

(ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.

(2) (a) If a municipality is using machine counted ballots, the election officer may require that:

(i) the ballot label for a regular primary election consist of several groups of pages, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

(ii) the separate groups of pages are identified by color or other suitable means; and

(iii) the ballot label contain instructions that direct the voter how to vote the ballot.

- (b) If a municipality is using machine counted ballots, each election officer shall:
 - (i) ensure that the ballot label provides a square for the voter to designate the political party in whose primary the voter is voting; and
 - (ii) determine the order for printing the names of the political parties on the ballot label.

Renumber remaining sections accordingly.