

**ELECTION CODE - ELECTRONIC VOTING
PROCEDURES AND REQUIREMENTS**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas C. Aagard

Senate Sponsor: Sheldon L. Killpack

LONG TITLE

General Description:

This bill modifies the Election Code to update existing procedures and definitions and to comply with electronic voting equipment requirements.

Highlighted Provisions:

This bill:

- ▶ provides and modifies definitions;
- ▶ removes references requiring the official record to be a printed book;
- ▶ removes the requirement to create a posting list;
- ▶ provides for voting procedures when using machine-readable ballot sheets;
- ▶ provides for voting procedures when using electronic ballots;
- ▶ provides ballot formatting requirements for straight party ticket selections and write-in candidates;
- ▶ requires a voter to mark a box or select the name of a write-in candidate in order for a write-in vote to be recorded;
- ▶ modifies formatting requirements for paper ballots to require that all paper ballots contain a check box next to the name of write-in candidates;
- ▶ provides that watchers shall be permitted to observe testing of voting devices and equipment;
- ▶ provides that one or more poll workers shall deliver election returns to the counting center;
- ▶ provides that poll workers delivering election returns shall be paid reasonable

58 ▶ makes technical changes.

59 **Monies Appropriated in this Bill:**

60 None

61 **Other Special Clauses:**

62 This bill coordinates with S.B. 10 by providing technical changes.

63 **Utah Code Sections Affected:**

64 **AMENDS:**

- 65 **20A-1-102**, as last amended by Chapter 105, Laws of Utah 2005
- 66 **20A-2-202**, as last amended by Chapter 117, Laws of Utah 2003
- 67 **20A-2-204**, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997
- 68 **20A-2-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
- 69 **20A-3-104**, as last amended by Chapter 37, Laws of Utah 2003
- 70 **20A-3-104.5**, as last amended by Chapter 159, Laws of Utah 2003
- 71 **20A-3-105**, as last amended by Chapter 177, Laws of Utah 2002
- 72 **20A-3-106**, as enacted by Chapter 1, Laws of Utah 1993
- 73 **20A-3-201**, as last amended by Chapter 22, Laws of Utah 1999
- 74 **20A-3-202**, as last amended by Chapter 105, Laws of Utah 2005
- 75 **20A-3-303**, as enacted by Chapter 1, Laws of Utah 1993
- 76 **20A-4-103**, as last amended by Chapter 177, Laws of Utah 2002
- 77 **20A-4-104**, as last amended by Chapter 177, Laws of Utah 2002
- 78 **20A-4-201**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
- 79 **20A-4-304**, as last amended by Chapter 11, Laws of Utah 2002, Fifth Special Session
- 80 **20A-5-202**, as last amended by Chapter 45, Laws of Utah 1999
- 81 **20A-5-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
- 82 **20A-5-401**, as last amended by Chapter 105, Laws of Utah 2005
- 83 **20A-5-403**, as last amended by Chapter 24, Laws of Utah 2004
- 84 **20A-5-405**, as last amended by Chapter 340, Laws of Utah 1995
- 85 **20A-5-406**, as last amended by Chapter 340, Laws of Utah 1995

- 86 **20A-5-605**, as last amended by Chapter 282, Laws of Utah 1998
- 87 **20A-6-102**, as enacted by Chapter 2, Laws of Utah 1994
- 88 **20A-6-203**, as enacted by Chapter 328, Laws of Utah 2000
- 89 **20A-6-301**, as last amended by Chapter 105, Laws of Utah 2005
- 90 **20A-6-302**, as last amended by Chapter 241, Laws of Utah 2001
- 91 **20A-6-303**, as last amended by Chapter 105, Laws of Utah 2005
- 92 **20A-6-401.1**, as enacted by Chapter 328, Laws of Utah 2000
- 93 **20A-6-402**, as last amended by Chapter 105, Laws of Utah 2005
- 94 **20A-9-806**, as last amended by Chapter 177, Laws of Utah 2002
- 95 **20A-9-808**, as last amended by Chapter 117, Laws of Utah 2003

96 ENACTS:

- 97 **20A-5-706**, Utah Code Annotated 1953
- 98 **20A-6-304**, Utah Code Annotated 1953

99 REPEALS:

- 100 **20A-6-104**, as enacted by Chapter 313, Laws of Utah 2001



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

103 Section 1. Section **20A-1-102** is amended to read:

104 **20A-1-102. Definitions.**

105 As used in this title:

106 (1) "Active voter" means a registered voter who has not been classified as an inactive
107 voter by the county clerk.

108 (2) "Automatic tabulating equipment" means apparatus that automatically examines
109 and counts votes recorded on paper ballots or ballot [~~cards~~] sheets and tabulates the results.

110 (3) "Ballot" means the [~~cardboard, paper, or other material~~] storage medium, whether
111 paper, mechanical, or electronic, upon which a voter records his votes and includes ballot
112 [~~cards~~] sheets, paper ballots, electronic ballots, and secrecy envelopes.

113 (4) "Ballot [~~card~~] sheet":

- 114 (a) means a ballot that:
- 115 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 116 (ii) can be counted using automatic tabulating equipment[-]; and
- 117 (b) includes punch card ballots, and other ballots that are machine-countable.
- 118 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
- 119 contain the names of offices and candidates and statements of ballot propositions to be voted
- 120 on and which are used in conjunction with ballot [~~cards~~] sheets that do not display that
- 121 information.
- 122 (6) "Ballot proposition" means opinion questions specifically authorized by the
- 123 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions
- 124 that are submitted to the voters for their approval or rejection.
- 125 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
- 126 20A-4-306 to canvass election returns.
- 127 (8) "Bond election" means an election held for the purpose of approving or rejecting
- 128 the proposed issuance of bonds by a government entity.
- 129 (9) "Book voter registration form" means voter registration forms contained in a bound
- 130 book that are used by election officers and registration agents to register persons to vote.
- 131 (10) "By-mail voter registration form" means a voter registration form designed to be
- 132 completed by the voter and mailed to the election officer.
- 133 (11) "Canvass" means the review of election returns and the official declaration of
- 134 election results by the board of canvassers.
- 135 (12) "Canvassing judge" means [~~an election judge~~] a poll worker designated to assist in
- 136 counting ballots at the canvass.
- 137 (13) "Convention" means the political party convention at which party officers and
- 138 delegates are selected.
- 139 (14) "Counting center" means one or more locations selected by the election officer in
- 140 charge of the election for the automatic counting of ballots.
- 141 (15) "Counting judge" means a [~~judge~~] poll worker designated to count the ballots

142 during election day.

143 (16) "Counting poll watcher" means a person selected as provided in Section
144 20A-3-201 to witness the counting of ballots.

145 (17) "Counting room" means a suitable and convenient private place or room,
146 immediately adjoining the place where the election is being held, for use by the counting
147 judges to count ballots during election day.

148 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

149 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

150 (20) "County officers" means those county officers that are required by law to be
151 elected.

152 (21) "Election" means a regular general election, a municipal general election, a
153 statewide special election, a local special election, a regular primary election, a municipal
154 primary election, and a special district election.

155 (22) "Election Assistance Commission" means the commission established by Public
156 Law 107-252, the Help America Vote Act of 2002.

157 (23) "Election cycle" means the period beginning on the first day persons are eligible to
158 file declarations of candidacy and ending when the canvass is completed.

159 (24) "Election judge" means each canvassing judge, counting judge, and receiving
160 judge.

161 (25) "Election officer" means:

162 (a) the lieutenant governor, for all statewide ballots;

163 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
164 as provided in Section 20A-5-400.5;

165 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
166 provided in Section 20A-5-400.5;

167 (d) the special district clerk or chief executive officer for certain ballots and elections
168 as provided in Section 20A-5-400.5; and

169 (e) the business administrator or superintendent of a school district for certain ballots

170 or elections as provided in Section 20A-5-400.5.

171 (26) "Election official" means any election officer, election judge, poll worker, or
172 satellite registrar.

173 (27) "Election results" means, for bond elections, the count of those votes cast for and
174 against the bond proposition plus any or all of the election returns that the board of canvassers
175 may request.

176 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
177 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
178 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
179 spoiled ballots, the ballot disposition form, and the total votes cast form.

180 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
181 device or other voting device that records and stores ballot information by electronic means.

182 [~~29~~] (30) "Electronic voting system" means a system in which a voting device is used
183 in conjunction with ballots so that votes recorded by the voter are counted and tabulated by
184 automatic tabulating equipment.

185 [~~30~~] (31) "Inactive voter" means a registered voter who has been sent the notice
186 required by Section 20A-2-306 and who has failed to respond to that notice.

187 [~~31~~] (32) "Inspecting poll watcher" means a person selected as provided in this title to
188 witness the receipt and safe deposit of voted and counted ballots.

189 [~~32~~] (33) "Judicial office" means the office filled by any judicial officer.

190 [~~33~~] (34) "Judicial officer" means any justice or judge of a court of record or any
191 county court judge.

192 [~~34~~] (35) "Local election" means a regular municipal election, a local special
193 election, a special district election, and a bond election.

194 [~~35~~] (36) "Local political subdivision" means a county, a municipality, a special
195 district, or a local school district.

196 [~~36~~] (37) "Local special election" means a special election called by the governing
197 body of a local political subdivision in which all registered voters of the local political

198 subdivision may vote.

199 ~~[(37)]~~ (38) "Municipal executive" means:

200 (a) the city commission, city council, or town council in the traditional management
201 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

202 (b) the mayor in the council-mayor optional form of government defined in Section
203 10-3-101; and

204 (c) the manager in the council-manager optional form of government defined in
205 Section 10-3-101.

206 ~~[(38)]~~ (39) "Municipal general election" means the election held in municipalities and
207 special districts on the first Tuesday after the first Monday in November of each odd-numbered
208 year for the purposes established in Section 20A-1-202.

209 ~~[(39)]~~ (40) "Municipal legislative body" means:

210 (a) the city commission, city council, or town council in the traditional management
211 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

212 (b) the municipal council in the council-mayor optional form of government defined in
213 Section 10-3-101; and

214 (c) the municipal council in the council-manager optional form of government defined
215 in Section 10-3-101.

216 ~~[(40)]~~ (41) "Municipal officers" means those municipal officers that are required by
217 law to be elected.

218 ~~[(41)]~~ (42) "Municipal primary election" means an election held to nominate
219 candidates for municipal office.

220 ~~[(42)]~~ (43) "Official ballot" means the ballots distributed by the election officer to the
221 ~~[election judges]~~ poll workers to be given to voters to record their votes.

222 ~~[(43)]~~ (44) "Official endorsement" means:

223 (a) the information on the ballot that identifies:

224 (i) the ballot as an official ballot;

225 (ii) the date of the election; and

226 (iii) the facsimile signature of the election officer; and
227 (b) the information on the ballot stub that identifies:
228 (i) the ~~[election judge's]~~ poll worker's initials; and
229 (ii) the ballot number.

230 ~~[(44)]~~ (45) "Official register" means the ~~[book]~~ official record furnished to election
231 officials by the election officer that contains the information required by Section 20A-5-401.

232 ~~[(45)]~~ (46) "Paper ballot" means a paper that contains:
233 (a) the names of offices and candidates and statements of ballot propositions to be
234 voted on; and
235 (b) spaces for the voter to record his vote for each office and for or against each ballot
236 proposition.

237 ~~[(46)]~~ (47) "Political party" means an organization of registered voters that has
238 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,
239 Political Party Formation and Procedures.

240 (48) (a) "Poll worker" means a person assigned by an election official to assist with an
241 election, voting, or counting votes.

242 (b) "Poll worker" includes election judges.
243 (c) "Poll worker" does not include a watcher.

244 (49) "Pollbook" means a record of the names of voters in the order that they appear to
245 cast votes.

246 ~~[(47)]~~ (50) "Polling place" means the building where residents of a voting precinct vote
247 or where absentee voting is conducted.

248 ~~[(48)]~~ (51) "Position" means a square, circle, rectangle, or other geometric shape on a
249 ballot in which the voter marks his choice.

250 ~~[(49)]~~ "Posting list" means a list of registered voters within a voting precinct.]

251 ~~[(50)]~~ (52) "Proof of identity" means some form of photo identification, such as a
252 driver license or identification card, that establishes a person's identity.

253 ~~[(51)]~~ (53) "Proof of residence" means some official document or form, such as a

254 driver license or utility bill that establishes a person's residence.

255 [~~(52)~~] (54) "Provisional ballot" means a ballot voted provisionally by a person:

256 (a) whose name is not listed on the official register at the polling place; or

257 (b) whose legal right to vote is challenged as provided in this title.

258 [~~(53)~~] (55) "Provisional ballot envelope" means an envelope printed in the form
259 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
260 information to verify a person's legal right to vote.

261 [~~(54)~~] (56) "Primary convention" means the political party conventions at which
262 nominees for the regular primary election are selected.

263 [~~(55)~~] (57) "Protective counter" means a separate counter, which cannot be reset, that is
264 built into a voting machine and records the total number of movements of the operating lever.

265 [~~(56)~~] (58) "Qualify" or "qualified" means to take the oath of office and begin
266 performing the duties of the position for which the person was elected.

267 [~~(57)~~] (59) "Receiving judge" means the [~~election judge~~] poll worker that checks the
268 voter's name in the official register, provides the voter with a ballot, and removes the ballot
269 stub from the ballot after the voter has voted.

270 [~~(58)~~] (60) "Registration days" means the days designated in Section 20A-2-203 when
271 a voter may register to vote with a satellite registrar.

272 [~~(59)~~] (61) "Registration form" means a book voter registration form and a by-mail
273 voter registration form.

274 [~~(60)~~] (62) "Regular ballot" means a ballot that is not a provisional ballot.

275 [~~(61)~~] (63) "Regular general election" means the election held throughout the state on
276 the first Tuesday after the first Monday in November of each even-numbered year for the
277 purposes established in Section 20A-1-201.

278 [~~(62)~~] (64) "Regular primary election" means the election on the fourth Tuesday of
279 June of each even-numbered year, at which candidates of political parties and nonpolitical
280 groups are voted for nomination.

281 [~~(63)~~] (65) "Resident" means a person who resides within a specific voting precinct in

282 Utah.

283 [(64)] (66) "Sample ballot" means a mock ballot similar in form to the official ballot
284 printed and distributed as provided in Section 20A-5-405.

285 [(65)] (67) "Satellite registrar" means a person appointed under Section 20A-5-201 to
286 register voters and perform other duties.

287 [(66)] (68) "Scratch vote" means to mark or punch the straight party ticket and then
288 mark or punch the ballot for one or more candidates who are members of different political
289 parties.

290 [(67)] (69) "Secrecy envelope" means the envelope given to a voter along with the
291 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
292 of the voter's vote.

293 [(68)] (70) "Special district" means those local government entities created under the
294 authority of Title 17A.

295 [(69)] (71) "Special district officers" means those special district officers that are
296 required by law to be elected.

297 [(70)] (72) "Special election" means an election held as authorized by Section
298 20A-1-204.

299 [(71)] (73) "Spoiled ballot" means each ballot that:

300 (a) is spoiled by the voter;

301 (b) is unable to be voted because it was spoiled by the printer or [~~the election judge~~] a
302 poll worker; or

303 (c) lacks the official endorsement.

304 [(72)] (74) "Statewide special election" means a special election called by the governor
305 or the Legislature in which all registered voters in Utah may vote.

306 [(73)] (75) "Stub" means the detachable part of each ballot.

307 [(74)] (76) "Substitute ballots" means replacement ballots provided by an election
308 officer to the [~~election judges~~] poll workers when the official ballots are lost or stolen.

309 [(75)] (77) "Ticket" means each list of candidates for each political party or for each

310 group of petitioners.

311 [~~(76)~~] (78) "Transfer case" means the sealed box used to transport voted ballots to the
312 counting center.

313 [~~(77)~~] (79) "Vacancy" means the absence of a person to serve in any position created
314 by statute, whether that absence occurs because of death, disability, disqualification,
315 resignation, or other cause.

316 [~~(78)~~] (80) "Valid write-in candidate" means a candidate who has qualified as a
317 write-in candidate by following the procedures and requirements of this title.

318 [~~(79)~~] (81) "Voter" means a person who meets the requirements for voting in an
319 election, meets the requirements of election registration, is registered to vote, and is listed in
320 the official register book.

321 [~~(80)~~] (82) "Voting area" means the area within six feet of the voting booths, voting
322 machines, and ballot box.

323 [~~(81)~~] (83) "Voting booth" means:

324 (a) the space or compartment within a polling place that is provided for the preparation
325 of ballots ~~[and includes]~~, including the voting machine enclosure or curtain~~[-];~~ or

326 (b) a voting device that is free standing.

327 [~~(82)~~] (84) "Voting device" means:

328 (a) an apparatus in which ballot ~~[cards]~~ sheets are used in connection with a punch
329 device for piercing the ballots by the voter;

330 (b) a device for marking the ballots with ink or another substance; ~~[or]~~

331 (c) a device used to make selections and cast a ballot electronically, or any component
332 thereof;

333 (d) an automated voting system under Section 20A-5-302; or

334 ~~[(c)]~~ (e) any other method for recording votes on ballots so that the ballot may be
335 tabulated by means of automatic tabulating equipment.

336 [~~(83)~~] (85) "Voting machine" means a machine designed for the sole purpose of
337 recording and tabulating votes cast by voters at an election.

338 ~~[(84)]~~ (86) "Voting poll watcher" means a person appointed as provided in this title to
339 witness the distribution of ballots and the voting process.

340 ~~[(85)]~~ (87) "Voting precinct" means the smallest voting unit established as provided by
341 law within which qualified voters vote at one polling place.

342 ~~[(86)]~~ (88) "Watcher" means a voting poll watcher, a counting poll watcher, ~~[and]~~ an
343 inspecting poll watcher, and a testing watcher.

344 ~~[(87)]~~ (89) "Western States Presidential Primary" means the election established in
345 Title 20A, Chapter 9, Part 8.

346 ~~[(88)]~~ (90) "Write-in ballot" means a ballot containing any write-in votes.

347 ~~[(89)]~~ (91) "Write-in vote" means a vote cast for a person whose name is not printed on
348 the ballot according to the procedures established in this title.

349 Section 2. Section **20A-2-202** is amended to read:

350 **20A-2-202. Registration by mail.**

351 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

352 (b) To register by mail, a citizen shall complete and sign the by-mail registration form
353 and mail or deliver it to the county clerk of the county in which the citizen resides.

354 (c) (i) In order to register to vote in a particular election, the citizen shall:

355 (A) address the by-mail voter registration form to the county clerk; and

356 (B) ensure that it is postmarked at least 20 days before the date of the election.

357 (ii) If the voter is registering for the first time in the county, the citizen shall either:

358 (A) submit a copy of a proof of identification or proof of residence with the by-mail
359 voter registration form; or

360 (B) submit proof of identification or proof of residence to the ~~[election judge]~~ poll
361 worker at the time the citizen votes.

362 (d) The citizen has effectively registered to vote under this section only when the
363 county clerk's office has received a correctly completed by-mail voter registration form.

364 (2) Upon receipt of a correctly completed by-mail voter registration form, the county
365 clerk shall:

366 (a) enter the applicant's name on the list of registered voters for the voting precinct in
367 which the applicant resides; and

368 (b) mail confirmation of registration to the newly registered voter after entering the
369 applicant's voting precinct number on that copy.

370 (3) (a) If the county clerk receives a correctly completed by-mail voter registration
371 form that is postmarked less than 20 days before an election, the county clerk shall:

372 (i) register the applicant after the next election; and

373 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
374 informing the applicant that his registration will not be effective until after the election.

375 (b) When the county clerk receives by-mail voter registration forms at least seven days
376 before an election that are postmarked at least 20 days before the election, the county clerk
377 shall:

378 (i) process the by-mail voter registration forms; and

379 (ii) record the new voters in the official register [~~and posting list~~].

380 (4) If the county clerk determines that a registration form received by mail or otherwise
381 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to
382 the person attempting to register, informing him that he has not been registered because of an
383 error or because the form is incomplete.

384 Section 3. Section **20A-2-204** is amended to read:

385 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

386 (1) As used in this section, "voter registration form" means the driver license
387 application/voter registration form and the driver license renewal/voter registration form
388 required by Section 20A-2-108.

389 (2) Any citizen who is qualified to vote may register to vote by completing the voter
390 registration form.

391 (3) The Driver License Division shall:

392 (a) assist applicants in completing the voter registration form unless the applicant
393 refuses assistance;

- 394 (b) accept completed forms for transmittal to the appropriate election official;
- 395 (c) transmit a copy of each voter registration form to the appropriate election official
- 396 within five days after it is received by the division;
- 397 (d) transmit each address change within five days after it is received by the division;
- 398 and
- 399 (e) transmit electronically to the lieutenant governor's office the name, address, birth
- 400 date, and driver license number of each person who answers "yes" to the question on the driver
- 401 license form about registering to vote.
- 402 (4) Upon receipt of a correctly completed voter registration form, the county clerk
- 403 shall:
- 404 (a) enter the applicant's name on the list of registered voters for the voting precinct in
- 405 which the applicant resides; and
- 406 (b) notify the applicant of registration.
- 407 (5) (a) If the county clerk receives a correctly completed voter registration form that is
- 408 dated less than 20 days before an election, the county clerk shall:
- 409 (i) register the applicant after the next election; and
- 410 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
- 411 informing the applicant that his registration will not be effective until after the election.
- 412 (b) When the county clerk receives any voter registration forms at least seven days
- 413 before an election that are dated at least 20 days before the election, the county clerk shall:
- 414 (i) process the voter registration forms; and
- 415 (ii) record the new voters in the official register [~~and posting list~~].
- 416 (6) If the county clerk determines that a voter registration form received from the
- 417 Driver License Division is incorrect because of an error or because it is incomplete, the county
- 418 clerk shall mail notice to the person attempting to register, informing him that he has not been
- 419 registered because of an error or because the form is incomplete.

420 Section 4. Section **20A-2-205** is amended to read:

421 **20A-2-205. Registration at voter registration agencies.**

422 (1) As used in this section:

423 (a) "Discretionary voter registration agency" means each office designated by the
424 county clerk under Part 3 to provide by-mail voter registration forms to the public.

425 (b) "Public assistance agency" means each office in Utah that provides:

426 (i) public assistance; or

427 (ii) state funded programs primarily engaged in providing services to people with
428 disabilities.

429 (2) Any person may obtain and complete a by-mail registration form at a public
430 assistance agency or discretionary voter registration agency.

431 (3) Each public assistance agency and discretionary voter registration agency shall
432 provide, either as part of existing forms or on a separate form, the following information in
433 substantially the following form:

434 "REGISTERING TO VOTE

435 If you are not registered to vote where you live now, would you like to apply to register
436 to vote here today? (Applying to register to vote or declining to register to vote will not affect
437 the amount of assistance that you will be provided by this agency.) Yes____ No____ IF YOU
438 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
439 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
440 voter registration application form, we will help you. The decision about whether or not to
441 seek or accept help is yours. You may fill out the application form in private. If you believe
442 that someone has interfered with your right to register or to decline to register to vote, your
443 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
444 right to choose your own political party or other political preference, you may file a complaint
445 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
446 84114. (801) 538-1040."

447 (4) Unless a person applying for service or assistance from a public assistance agency
448 or discretionary voter registration agency declines, in writing, to register to vote, each public
449 assistance agency and discretionary voter registration agency shall:

450 (a) distribute a by-mail voter registration form with each application for service or
451 assistance provided by the agency or office;

452 (b) assist applicants in completing the voter registration form unless the applicant
453 refuses assistance;

454 (c) accept completed forms for transmittal to the appropriate election official; and

455 (d) transmit a copy of each voter registration form to the appropriate election official
456 within five days after it is received by the division.

457 (5) A person in a public assistance agency or a discretionary voter registration agency
458 that helps a person complete the voter registration form may not:

459 (a) seek to influence an applicant's political preference or party registration;

460 (b) display any political preference or party allegiance;

461 (c) make any statement to an applicant or take any action that has the purpose or effect
462 of discouraging the applicant from registering to vote; or

463 (d) make any statement to an applicant or take any action that has the purpose or effect
464 of leading the applicant to believe that a decision to register or not to register has any bearing
465 upon the availability of services or benefits.

466 (6) Upon receipt of a correctly completed voter registration form, the county clerk
467 shall:

468 (a) enter the applicant's name on the list of registered voters for the voting precinct in
469 which the applicant resides; and

470 (b) notify the applicant of registration.

471 (7) (a) If the county clerk receives a correctly completed voter registration form that is
472 dated less than 20 days before an election, the county clerk shall:

473 (i) register the applicant after the next election; and

474 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
475 informing the applicant that his registration will not be effective until after the election.

476 (b) When the county clerk receives any voter registration forms at least seven days
477 before an election that are dated at least 20 days before the election, the county clerk shall:

- 478 (i) process the voter registration forms; and
- 479 (ii) record the new voters in the official register [~~and posting list~~].
- 480 (8) If the county clerk determines that a voter registration form received from a public
- 481 assistance agency or discretionary voter registration agency is incorrect because of an error or
- 482 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
- 483 informing him that he has not been registered because of an error or because the form is
- 484 incomplete.

485 Section 5. Section **20A-3-104** is amended to read:

486 **20A-3-104. Manner of voting.**

487 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his

488 residence, to one of the [~~election judges~~] poll workers.

489 (b) If [~~an election judge~~] a poll worker does not know the person requesting a ballot

490 and has reason to doubt that person's identity, the [~~judge~~] poll worker shall request

491 identification or have the voter identified by a known registered voter of the district.

492 (c) If the voter is voting for the first time in the jurisdiction or is otherwise required to

493 present proof of identity or proof of residence as indicated by a notation in the official register,

494 the [~~election judge~~] poll worker shall request proof of identity or proof of residence from the

495 voter.

496 (d) If the [~~election judge~~] poll worker is satisfied that the voter has established proof of

497 identity and proof of residence, the [~~election judge~~] poll worker shall:

498 (i) record the type of proof of identity or proof of residence provided by the voter in the

499 appropriate space in the official register; and

500 (ii) follow the procedures of Subsection (3).

501 (e) If the [~~election judge~~] poll worker is not satisfied that the voter has established

502 proof of identity or proof of residence, the [~~election judge~~] poll worker shall:

503 (i) indicate on the official register that the voter failed to provide adequate proof of

504 identity or proof of residence;

505 (ii) issue the voter a provisional ballot; and

506 (iii) follow the procedures and requirements of Section 20A-3-105.5.

507 (f) If the person's right to vote is challenged as provided in Section 20A-3-202, the

508 ~~[judge]~~ poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

509 (2) (a) When the voter is properly identified, the ~~[election judge]~~ poll worker in charge

510 of the official register shall check the official register to determine whether or not the person is

511 registered to vote.

512 (b) If the voter's name is not found on the official register, the ~~[election judge]~~ poll

513 worker shall follow the procedures and requirements of Section 20A-3-105.5.

514 (3) If the ~~[election judge]~~ poll worker determines that the voter is registered and:

515 (a) if the ballot is a paper ballot or a ballot sheet:

516 ~~[(a)]~~ (i) the ~~[election judge]~~ poll worker in charge of the official register shall:

517 ~~[(i)]~~ (A) write the ballot number opposite the name of the voter in the official register;

518 and

519 ~~[(i)]~~ (B) direct the voter to sign his name in the election column in the official register;

520 ~~[(b)]~~ (ii) another ~~[judge]~~ poll worker shall list the ballot number and voter's name in the

521 pollbook; and

522 ~~[(c)]~~ (iii) the ~~[election judge]~~ poll worker having charge of the ballots shall:

523 ~~[(i)]~~ (A) endorse his initials on the stub;

524 ~~[(i)]~~ (B) check the name of the voter on the pollbook list with the number of the stub;

525 ~~[(iii)]~~ (C) hand the voter a ballot; and

526 ~~[(iv)]~~ (D) allow the voter to enter the voting booth~~[-]~~; or

527 (b) if the ballot is an electronic ballot:

528 (i) the poll worker in charge of the official register shall direct the voter to sign the

529 voter's name in the official register;

530 (ii) another poll worker shall list the voter's name in the pollbook; and

531 (iii) the poll worker having charge of the ballots shall:

532 (A) provide the voter access to the electronic ballot; and

533 (B) allow the voter to vote the electronic ballot.

534 (4) Whenever the election officer is required to furnish more than one kind of official
535 ballot to the voting precinct, the ~~[election judges]~~ poll workers of that voting precinct shall give
536 the registered voter the kind of ballot that the voter is qualified to vote.

537 Section 6. Section **20A-3-104.5** is amended to read:

538 **20A-3-104.5. Voting -- Regular primary election.**

539 (1) (a) Any registered voter desiring to vote at the regular primary election shall give
540 his name, the name of the registered political party whose ballot the voter wishes to vote, and,
541 if requested, his residence, to one of the ~~[election judges]~~ poll workers.

542 (b) If ~~[an election judge]~~ a poll worker does not know the person requesting a ballot
543 and has reason to doubt that person's identity, the ~~[judge]~~ poll worker shall request
544 identification or have the voter identified by a known registered voter of the district.

545 (c) If the voter is challenged as provided in Section 20A-3-202, the ~~[judge]~~ poll worker
546 shall provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are
547 false.

548 (2) (a) (i) When the voter is properly identified, the ~~[election judge]~~ poll worker in
549 charge of the official register shall check the official register to determine:

550 (A) whether or not the person is registered to vote; and

551 (B) whether or not the person's party affiliation designation in the official register
552 allows the voter to vote the ballot that the voter requested.

553 (ii) If the official register does not affirmatively identify the voter as being affiliated
554 with a registered political party or if the official register identifies the voter as being
555 "unaffiliated," the voter shall be considered to be "unaffiliated."

556 (b) (i) If the voter's name is not found on the official register and, if it is not unduly
557 disruptive of the election process, the ~~[election judge]~~ poll worker shall attempt to contact the
558 county clerk's office to request oral verification of the voter's registration.

559 (ii) If oral verification is received from the county clerk's office, the ~~[judge]~~ poll
560 worker shall record the verification on the official register, determine the voter's party
561 affiliation and the ballot that the voter is qualified to vote, and perform the other administrative

562 steps required by Subsection (3).

563 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
564 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
565 requested, the ~~[election judge]~~ poll worker shall inform the voter of that fact and inform the
566 voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

567 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
568 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
569 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
570 ballot that the voter requests, the ~~[election judge]~~ poll worker shall ask the voter if the voter
571 wishes to vote another registered political party ballot that the voter, as "unaffiliated," is
572 authorized to vote, or remain "unaffiliated."

573 (B) If the voter wishes to vote another registered political party ballot that the
574 unaffiliated voter is authorized to vote, the ~~[election judge]~~ poll worker shall proceed as
575 required by Subsection (3).

576 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
577 that unaffiliated voters are authorized to vote, the ~~[election judge]~~ poll worker shall instruct the
578 voter that the voter may not vote.

579 (iii) For the primary elections held in 2004, 2006, and 2008 only:

580 (A) If the voter is listed in the official register as "unaffiliated," or if the official
581 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a
582 registered political party, the ~~[election judge]~~ poll worker shall ask the voter if the voter wishes
583 to affiliate with a registered political party, or remain "unaffiliated."

584 (B) If the voter wishes to affiliate with the registered political party whose ballot the
585 voter requested, the ~~[election judge]~~ poll worker shall direct the voter to complete the change
586 of party affiliation form and proceed as required by Subsection (3).

587 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered
588 political party ballot that the unaffiliated voter is authorized to vote, the ~~[election judge]~~ poll
589 worker shall proceed as required by Subsection (3).

590 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
591 that unaffiliated voters are authorized to vote, the ~~[election judge]~~ poll worker shall instruct the
592 voter that the voter may not vote.

593 (3) If the ~~[election judge]~~ poll worker determines that the voter is registered and
594 eligible, under Subsection (2), to vote the ballot that the voter requested and:

595 (a) if the ballot is a paper ballot or a ballot sheet:

596 ~~[(a)]~~ (i) the ~~[election judge]~~ poll worker in charge of the official register shall:

597 ~~[(i)]~~ (A) write the ballot number and the name of the registered political party whose
598 ballot the voter voted opposite the name of the voter in the official register; and

599 ~~[(ii)]~~ (B) direct the voter to sign his name in the election column in the official register;

600 ~~[(b)]~~ (ii) another ~~[judge]~~ poll worker shall list the ballot number and voter's name in the
601 pollbook; and

602 ~~[(c)]~~ (iii) the ~~[election judge]~~ poll worker having charge of the ballots shall:

603 ~~[(i)]~~ (A) endorse his initials on the stub;

604 ~~[(ii)]~~ (B) check the name of the voter on the pollbook list with the number of the stub;

605 ~~[(iii)]~~ (C) hand the voter the ballot for the registered political party that the voter
606 requested and for which the voter is authorized to vote; and

607 ~~[(iv)]~~ (D) allow the voter to enter the voting booth[-]; or

608 (b) if the ballot is an electronic ballot:

609 (i) the poll worker in charge of the official register shall direct the voter to sign his
610 name in the official register;

611 (ii) another poll worker shall list the voter's name in the pollbook; and

612 (iii) the poll worker having charge of the ballots shall:

613 (A) provide the voter access to the electronic ballot for the registered political party
614 that the voter requested and for which the voter is authorized to vote; and

615 (B) allow the voter to vote the electronic ballot.

616 (4) Whenever the election officer is required to furnish more than one kind of official
617 ballot to the voting precinct, the ~~[election judges]~~ poll workers of that voting precinct shall give

618 the registered voter the kind of ballot that the voter is qualified to vote.

619 Section 7. Section **20A-3-105** is amended to read:

620 **20A-3-105. Marking and depositing ballots.**

621 (1) (a) If a paper ~~[ballots are]~~ ballot is used, the voter, upon receipt of the ballot, shall
622 go to a voting booth and prepare the voter's ballot by marking the appropriate position with a
623 mark opposite the name of each candidate of the voter's choice for each office to be filled.

624 (b) A mark is not required opposite the name of a write-in candidate.

625 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in
626 the appropriate square with a mark opposite the answer the voter intends to make.

627 (d) Before leaving the booth, the voter shall:

628 (i) fold the ballot so that its contents are concealed and the stub can be removed; and

629 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
630 envelope and complete the information printed on the envelope.

631 (2) (a) (i) If a punch card ballot ~~[cards are]~~ is used, the voter shall insert the ballot
632 ~~[card]~~ sheet into the voting device and mark the ballot ~~[card]~~ sheet according to the instructions
633 provided on the device.

634 (ii) If the voter is issued a ballot ~~[card]~~ sheet with a long stub without a secrecy
635 envelope, the voter shall record any write-in votes on the long stub.

636 (iii) If the voter is issued a ballot ~~[card]~~ sheet with a secrecy envelope, the voter shall
637 record any write-in votes on the secrecy envelope.

638 (b) After the voter has marked the ballot ~~[card]~~ sheet, the voter shall either:

639 (i) place the ballot ~~[card]~~ sheet inside the secrecy envelope, if one is provided; or

640 (ii) fold the long stub over the face of the ballot ~~[card]~~ sheet to maintain the secrecy of
641 the vote if the voter is issued a ballot ~~[card]~~ sheet with a long stub without a secrecy envelope.

642 (c) If the ballot is a provisional ballot, the voter shall place the ballot ~~[card]~~ sheet in the
643 provisional ballot envelope and complete the information printed on the envelope.

644 (3) (a) If a ballot sheet other than a punch card is used, the voter shall mark the ballot
645 sheet according to the instructions provided on the voting device or ballot sheet.

646 (b) The voter shall record a write-in vote by:
647 (i) marking the position opposite the area for entering a write-in candidate; and
648 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
649 for by means of:
650 (A) writing;
651 (B) a label; or
652 (C) entering the name using the voting device.
653 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
654 provisional ballot envelope and complete the information printed on the envelope.
655 (4) (a) If an electronic ballot is used, the voter shall:
656 (i) insert the ballot access card into the voting device; and
657 (ii) make the selections according to the instructions provided on the device.
658 (b) The voter shall record a write-in vote by:
659 (i) marking the appropriate position opposite the area for entering a write-in candidate;
660 and
661 (ii) using the voting device to enter the name of the valid write-in candidate for whom
662 the voter wishes to vote.
663 ~~[(3)-(a)]~~ (5) After preparation of the ballot[;]:
664 (a) if a paper ballot or punch card ballot is used:
665 (i) the voter shall:
666 ~~[(i)]~~ (A) leave the voting booth; and
667 ~~[(ii)]~~ (B) announce his name to the [election judge] poll worker in charge of the ballot
668 box[;];
669 ~~[(b) The election judge]~~ (ii) the poll worker in charge of the ballot box shall:
670 ~~[(i)]~~ (A) clearly and audibly announce the name of the voter and the number on the
671 stub of the voter's ballot;
672 ~~[(ii)]~~ (B) if the stub number on the ballot corresponds with the number previously
673 recorded in the official register, and bears the initials of the [election judge] poll worker,

674 remove the stub from the ballot; and

675 ~~[(iii)]~~ (C) return the ballot to the voter[-]; and

676 ~~[(c) The]~~ (iii) the voter shall, in full view of the [election judges] poll workers, cast his

677 vote by depositing the ballot in the ballot box.

678 ~~[(d)-(i)]~~ (iv) (A) [The election judge] A poll worker may not accept a ballot from which

679 the stub has been detached.

680 ~~[(ii)]~~ (B) [The election judge] A poll worker shall treat a ballot from which the stub has

681 been detached as a spoiled ballot and shall provide the voter with a new ballot and dispose of

682 the spoiled ballot as provided in Section 20A-3-107[-];

683 (b) if a ballot sheet other than a punch card is used:

684 (i) the voter shall:

685 (A) leave the voting booth; and

686 (B) announce his name to the poll worker in charge of the ballot box;

687 (ii) the poll worker in charge of the ballot box shall:

688 (A) clearly and audibly announce the name of the voter and the number on the stub of

689 the voter's ballot; and

690 (B) if the stub number on the ballot corresponds with the number previously recorded

691 in the official register, and bears the initials of the poll worker, return the ballot to the voter;

692 and

693 (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the

694 ballot in the ballot box; and

695 (c) if an electronic ballot is used, the voter shall:

696 (i) cast the voter's ballot;

697 (ii) remove the ballot access card from the voting device; and

698 (iii) return the ballot access card to a designated poll worker.

699 ~~[(4)]~~ (6) A voter voting a paper ballot in a regular primary election shall, after marking

700 the ballot:

701 (a) (i) if the ballot is designed so that the names of all candidates for all political parties

702 are on the same ballot, detach the part of the paper ballot containing the names of the
703 candidates of the party he has voted from the remainder of the paper ballot;

704 (ii) fold that portion of the paper ballot so that its face is concealed; and

705 (iii) deposit it in the ballot box; and

706 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of
707 the parties that the elector did not vote; and

708 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot
709 box.

710 [~~5~~] (7) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
711 leave the voting area after voting.

712 (b) A voter may not:

713 (i) occupy a voting booth occupied by another, except as provided in Section
714 20A-3-108;

715 (ii) remain within the voting area more than ten minutes; or

716 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
717 voters are waiting to occupy them.

718 [~~6~~] (8) If the official register shows any voter as having voted, that voter may not
719 reenter the voting area during that election unless that voter is an election official or watcher.

720 [~~7~~] (9) The [~~election judges~~] poll workers may not allow more than four voters more
721 than the number of voting booths into the voting area at one time unless those excess voters
722 are:

723 (a) election officials;

724 (b) watchers; or

725 (c) assisting voters with a disability.

726 Section 8. Section **20A-3-106** is amended to read:

727 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**
728 **of unnecessary marking of cross.**

729 (1) When voting a paper ballot, any voter desiring to vote for all the candidates from

730 any one registered political party may:

731 (a) mark in the circle or position above that political party;

732 (b) mark in the squares or position opposite the names of all candidates for that party

733 ticket; or

734 (c) make both markings.

735 (2) (a) When voting a ballot [~~card~~] sheet, any voter desiring to vote for all the

736 candidates from any one registered political party may:

737 (i) mark the selected party on the straight party page or section; or

738 (ii) mark the name of each candidate from that party.

739 (b) To vote for candidates from two or more political parties, the voter may:

740 (i) mark in the squares or positions opposite the names of the candidates for whom the
741 voter wishes to vote without marking in any circle; or

742 (ii) indicate his choice by marking in the circle or position above one political party
743 and marking in the squares or positions opposite the names of desired candidates.

744 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the

745 candidates from any one registered political party may:

746 (i) select that party on the straight party selection area; or

747 (ii) select the name of each candidate from that party.

748 (b) To vote for candidates from two or more political parties, the voter may:

749 (i) select the names of the candidates for whom the voter wishes to vote without
750 selecting a political party in the straight party selection area; or

751 (ii) select a political party in the straight party selection area and select the names of the
752 candidates for whom the voter wishes to vote.

753 [~~(3)~~] (4) In any election other than a primary election, if a voter voting [~~either a paper~~
754 ~~ballot or ballot card~~] a ballot has selected or placed a mark next to a party name in order to
755 vote a straight party ticket and wishes to vote for a person on another party ticket for an office,
756 the voter shall select or mark the ballot next to the name of the candidate for whom the voter
757 wishes to vote.

758 ~~[(4)]~~ (5) (a) The voter may ~~[also insert the name of a valid write-in candidate in writing~~
759 ~~or by means of a sticker with the office and write-in name printed on it.]~~ cast a write-in vote on
760 a paper ballot or ballot sheet:

761 ~~[(b) A voter shall cast a write-in vote by writing the write-in name or pasting the~~
762 ~~write-in sticker on the blank write-in part of the ballot.]~~

763 (i) by entering the name of a valid write-in candidate:

764 (A) by writing the name of a valid write-in candidate in the blank write-in section of
765 the ballot; or

766 (B) by affixing a sticker with the office and name of the valid write-in name printed on
767 it in the blank write-in part of the ballot; and

768 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's
769 vote.

770 ~~[(c) A]~~ (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the
771 person whose name is written or whose sticker appears in the blank write-in part of the ballot,
772 ~~[whether]~~ if a mark is made ~~[or is not made]~~ opposite that name.

773 ~~[(5) The]~~ (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a
774 square on the ticket below the marked circle does not affect the validity of the vote.

775 (6) The voter may cast a write-in vote on an electronic ballot by:

776 (a) marking the appropriate position opposite the area for entering a write-in candidate
777 for the office sought by the candidate for whom the voter wishes to vote; and

778 (b) entering the name of a valid write-in candidate in the write-in selection area.

779 Section 9. Section **20A-3-201** is amended to read:

780 **20A-3-201. Watchers.**

781 (1) (a) (i) For each regular general election or statewide special election, and for each
782 regular primary and Western States Presidential Primary, each registered political party and any
783 person interested in a ballot proposition appearing on the ballot may appoint one person to act
784 as a voting poll watcher to observe the casting of ballots, another person to act as a counting
785 poll watcher to observe the counting of ballots, and another person to act as an inspecting poll

786 watcher to inspect the condition and observe the securing of ballot packages.

787 (ii) Each party poll watcher shall be designated, and his selection made known to the
788 ~~[election judges]~~ poll workers, by an affidavit made by the county chair of each of the parties.

789 (iii) Each issue poll watcher shall be designated, and his selection made known to the
790 ~~[election judges]~~ poll workers, by an affidavit made by the individual appointing him.

791 (b) (i) For each municipal general election, municipal primary, local special election, or
792 bond election that uses paper ballots, each candidate and any person interested in an issue
793 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
794 casting of ballots, another person to act as a counting poll watcher to observe the counting of
795 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
796 observe the securing of ballot packages.

797 (ii) For each municipal general election, municipal primary, local special election, or
798 bond election that uses ballot ~~[cards]~~ sheets, each candidate and any person interested in an
799 issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe
800 the casting of ballots, another person to act as a counting poll watcher to observe the counting
801 of ballots, and another person to act as an inspecting poll watcher to inspect the condition and
802 observe the securing of ballot packages.

803 (iii) Each candidate poll watcher shall be designated, and his selection made known to
804 the ~~[election judges]~~ poll workers, by an affidavit made by the candidate appointing him.

805 (iv) Each issue poll watcher shall be designated, and his selection made known to the
806 ~~[election judges]~~ poll workers, by an affidavit made by the individual appointing him.

807 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
808 absent, that poll watcher may substitute some other watcher of similar political beliefs by
809 informing the ~~[election judges]~~ poll workers of the substitution by affidavit.

810 (3) Voting poll watchers may watch and observe the voting process, and may make a
811 written memorandum, but they may not interfere in any way with the process of voting except
812 to challenge a voter as provided in this part.

813 (4) The counting poll watcher shall remain in the counting room, except in the case of

814 necessity, until the close of the polls and may not divulge the progress of the count until the
815 count is completed.

816 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
817 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other
818 information about the count.

819 (b) Any person who violates this subsection is guilty of a third degree felony.

820 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
821 whom ballots are delivered after elections to:

822 (a) inspect the condition of the packages containing the ballots upon their arrival; and

823 (b) observe the placement of these packages in a safe and secure place.

824 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any
825 interested person may act as a testing watcher to observe a demonstration of logic and accuracy
826 testing of the voting devices prior to the commencement of voting.

827 (b) The election officer shall give prior notice of the logic and accuracy testing
828 demonstration at least two days prior to the date of the demonstration by publishing notice of
829 the date, time, and location of the demonstration in at least one newspaper of general
830 circulation in the jurisdiction holding the election.

831 (c) An election official shall provide, upon request, a copy of testing results to a testing
832 watcher.

833 Section 10. Section **20A-3-202** is amended to read:

834 **20A-3-202. Challenges -- Recorded in official register and in pollbook.**

835 (1) (a) When any person applies for a ballot or when a person offers a ballot for deposit
836 in the ballot box, the person's right to vote in that voting precinct and in that election may be
837 orally challenged by [~~an election judge~~] a poll worker or any challenger orally stating the
838 challenged voter's name and the basis for the challenge.

839 (b) A person may challenge another person's right to vote by alleging that:

840 (i) the voter is not the person whose name appears in the official register and under
841 which name the right to vote is claimed;

- 842 (ii) the voter is not a resident of Utah;
- 843 (iii) the voter is not a citizen of the United States;
- 844 (iv) the voter has not or will not have resided in Utah for 30 days immediately before
- 845 the date of the election;
- 846 (v) the voter does not live in the voting precinct;
- 847 (vi) the voter does not live within the geographic boundaries of the entity holding the
- 848 election;
- 849 (vii) the voter's principal place of residence is not in the voting precinct;
- 850 (viii) the voter's principal place of residence is not in the geographic boundaries of the
- 851 election area;
- 852 (ix) the voter has voted before in the election;
- 853 (x) the voter is not at least 18 years old;
- 854 (xi) the voter is involuntarily confined or incarcerated in jail or prison and was not a
- 855 resident of the entity holding the election before the voter was confined or incarcerated;
- 856 (xii) the voter is a convicted felon and is incarcerated for the commission of a felony;
- 857 or
- 858 (xiii) in a regular primary election, the voter does not meet the political party affiliation
- 859 criteria established by the political party whose ballot the voter seeks to vote.
- 860 (2) (a) The [~~election judges~~] poll workers shall give the voter a ballot and allow the
- 861 voter to vote if:
- 862 (i) the person challenged signs a written affidavit certifying that he meets all the
- 863 requirements for voting; and
- 864 (ii) the [~~election judge~~] poll worker determines that the person challenged is registered
- 865 to vote and, in a regular primary election, meets the political party affiliation criteria
- 866 established by the political party whose ballot the voter seeks to vote.
- 867 (b) The [~~election judges~~] poll workers may not give the voter a ballot or allow the voter
- 868 to vote if:
- 869 (i) the person challenged refuses to sign the written affidavit; or

870 (ii) in a regular primary election, the ~~[election judge]~~ poll worker determines that the
871 person challenged does not meet the political party affiliation criteria established by the
872 political party whose ballot the voter seeks to vote and is unwilling or unable to take the steps
873 authorized by law to comply with those criteria.

874 (c) (i) It is unlawful for any person to sign an affidavit certifying that he meets all the
875 requirements for voting when that person knows he does not meet at least one of those
876 requirements.

877 (ii) Any person who violates this Subsection (2)(c) is guilty of a class B misdemeanor.

878 (3) (a) Any person may challenge the right to vote of any person whose name appears
879 on the ~~[posting list]~~ official register by filing a written signed statement identifying the
880 challenged voter's name and the basis for the challenge with the county clerk on the Friday
881 before the election during regular business hours.

882 (b) The person challenging a person's right to vote shall allege one or more of the
883 grounds established in Subsection (1)(b) as the basis for the challenge.

884 (c) The county clerk shall:

885 (i) carefully preserve the written challenges;

886 (ii) write in the appropriate official register opposite the name of any person for whom
887 the county clerk received a written challenge, the words "To be challenged"; and

888 (iii) transmit the written challenges to ~~[election judges]~~ poll workers of that voting
889 precinct.

890 (d) On election day, the ~~[election judges]~~ poll workers shall raise the written challenge
891 with the voter before giving the voter a ballot.

892 (e) If the person challenged takes an oath before any of the ~~[election judges]~~ poll
893 workers that the grounds of the challenge are false, the ~~[judges]~~ poll workers shall allow the
894 person to vote.

895 (f) If the person applying to vote does not meet the legal requirements to vote, or
896 refuses to take the oath, the ~~[election judges]~~ poll workers may not deliver a ballot to ~~[him]~~ the
897 person.

898 (4) The [~~election judges~~] poll workers shall record all challenges in the official register
 899 and on the challenge sheets in the pollbook.

900 (5) If the person challenged under Subsection (3) voted an absentee ballot, the county
 901 clerk shall submit the name of the voter and the challenge to the voter to the county attorney, or
 902 the district attorney in counties with a prosecution district, for investigation and prosecution for
 903 voter fraud.

904 Section 11. Section **20A-3-303** is amended to read:

905 **20A-3-303. Form of absentee ballot.**

906 (1) For all elections, the election officer shall:

907 (a) cause a sufficient number of official ballots to be known as absentee ballots to be
 908 prepared and printed; and

909 (b) ensure that the absentee ballots are prepared and printed in the same form, are of
 910 the same size and texture, and contain the same matter as the regular official ballot, except that
 911 the words "absentee ballot" are printed on the absentee ballots or on the stub of the absentee
 912 ballots.

913 (2) The election officer may prepare absentee ballots as paper ballots or ballot [~~cards~~]
 914 sheets or may use both methods.

915 Section 12. Section **20A-4-103** is amended to read:

916 **20A-4-103. Preparing ballot cards for the counting center.**

917 (1) (a) In voting precincts using ballot [~~cards~~] sheets, as soon as the polls have been
 918 closed and the last qualified voter has voted, the [~~election judges~~] poll workers shall prepare
 919 the ballot [~~cards~~] sheets for delivery to the counting center as provided in this section.

920 (b) The [~~election judges~~] poll workers, election officers, and other persons may not
 921 manually count any votes before delivering the ballots to the counting center.

922 (2) The [~~judges~~] poll workers shall:

923 (a) place all of the provisional ballot envelopes in the envelope or container provided
 924 for them for return to the counting center; and

925 (b) seal that envelope or container.

926 (3) (a) The [~~judges~~] poll workers shall check each secrecy envelope to see if either
927 contains any write-in votes.

928 (b) If a secrecy envelope does not contain any write-in votes, the [~~election judges~~] poll
929 workers shall remove the ballot [~~card~~] sheet from the secrecy envelope.

930 (c) If a secrecy envelope contains any write-in votes, the [~~election judges~~] poll workers
931 may not separate the ballot [~~card~~] sheet from the secrecy envelope.

932 (4) The [~~election judges~~] poll workers shall place:

933 (a) the voted ballot [~~cards~~] sheets and one copy of the statement of disposition of
934 ballots in the transfer case;

935 (b) the other copy of the statement of disposition of ballots, the pollbook, any
936 unprocessed absentee ballots, the [~~judges~~'] poll workers' pay vouchers, the official register, and
937 the spoiled ballot envelope in the carrier envelope provided; and

938 (c) the other election materials in the election supply box.

939 Section 13. Section **20A-4-104** is amended to read:

940 **20A-4-104. Counting ballots electronically.**

941 (1) (a) Before beginning to count ballot [~~cards~~] sheets using automatic tabulating
942 equipment, the election officer shall test the automatic tabulating equipment to ensure that it
943 will accurately count the votes cast for all offices and all measures.

944 (b) The election officer shall publish public notice of the time and place of the test at
945 least 48 hours before the test in one or more daily or weekly newspapers of general circulation
946 published in the county, municipality, or jurisdiction where the equipment is used.

947 (c) The election officer shall conduct the test by processing a preaudited group of ballot
948 [~~cards~~] sheets.

949 (d) The election officer shall ensure that:

950 (i) a predetermined number of valid votes for each candidate and measure are recorded
951 on the ballot [~~cards~~] sheets;

952 (ii) for each office, one or more ballot [~~cards~~] sheets have votes in excess of the
953 number allowed by law in order to test the ability of the automatic tabulating equipment to

954 reject those votes; and

955 (iii) a different number of valid votes are assigned to each candidate for an office, and
956 for and against each measure.

957 (e) If any error is detected, the election officer shall determine the cause of the error
958 and correct it.

959 (f) The election officer shall ensure that:

960 (i) the automatic tabulating equipment produces an errorless count before beginning
961 the actual counting; and

962 (ii) the automatic tabulating equipment passes the same test at the end of the count
963 before the election returns are approved as official.

964 (2) (a) The election officer or his designee shall supervise and direct all proceedings at
965 the counting center.

966 (b) (i) Proceedings at the counting center are public and may be observed by interested
967 persons.

968 (ii) Only those persons authorized to participate in the count may touch any ballot,
969 ballot [~~card~~] sheet, or return.

970 (c) The election officer shall deputize and administer an oath or affirmation to all
971 persons who are engaged in processing and counting the ballots that they will faithfully
972 perform their assigned duties.

973 (d) (i) Counting poll watchers appointed as provided in Section 20A-3-201 may
974 observe the testing of equipment and actual counting of the ballot [~~cards~~] sheets.

975 (ii) Those counting poll watchers may make independent tests of the equipment before
976 or after the vote count as long as the testing does not interfere in any way with the official
977 tabulation of the ballot [~~cards~~] sheets.

978 (3) If any ballot [~~card~~] sheet is damaged or defective so that it cannot properly be
979 counted by the automatic tabulating equipment, the election officer shall:

980 (a) cause a true duplicate copy of the ballot [~~card~~] sheet to be made with an identifying
981 serial number;

982 (b) substitute the duplicate for the damaged ballot [~~card~~] sheet;

983 (c) label the duplicate ballot card "duplicate"; and

984 (d) record the duplicate ballot [~~card's~~] sheet's serial number on the damaged or
985 defective ballot [~~card~~] sheet.

986 (4) The election officer may:

987 (a) conduct an unofficial count before conducting the official count in order to provide
988 early unofficial returns to the public;

989 (b) release unofficial returns from time to time after the polls close; and

990 (c) report the progress of the count for each candidate during the actual counting of
991 ballots.

992 (5) The election officer shall review and evaluate the provisional ballot envelopes and
993 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

994 (6) (a) The election officer or his designee shall:

995 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

996 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

997 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
998 more votes for an office than that voter is entitled to vote for that office, the [~~judges~~] poll
999 workers shall count the valid write-in vote as being the obvious intent of the voter.

1000 (7) (a) The election officer shall certify the return printed by the automatic tabulating
1001 equipment, to which have been added write-in and absentee votes, as the official return of each
1002 voting precinct.

1003 (b) Upon completion of the count, the election officer shall make official returns open
1004 to the public.

1005 (8) If for any reason it becomes impracticable to count all or a part of the ballot [~~cards~~]
1006 sheets with tabulating equipment, the election officer may direct that they be counted manually
1007 according to the procedures and requirements of this part.

1008 (9) After the count is completed, the election officer shall seal and retain the programs,
1009 test materials, and ballots as provided in Section 20A-4-202.

1010 Section 14. Section **20A-4-201** is amended to read:

1011 **20A-4-201. Delivery of election returns.**

1012 (1) One [~~judge~~] poll worker shall deliver the ballot box, the lock, and the key to:

- 1013 (a) the election officer; or
- 1014 (b) the location directed by the election officer.

1015 (2) (a) Before they adjourn, the [~~election judges~~] poll workers shall~~[(i) for paper~~
 1016 ~~ballots,] choose one or more of their number to deliver the election returns to the election~~
 1017 ~~officer[; and].~~

1018 ~~[(ii) for ballot cards, choose two of their number, each from a different political party,~~
 1019 ~~to deliver the election returns to the counting center.]~~

1020 (b) That [~~judge~~] poll worker or those [~~judges~~] poll workers shall:

1021 (i) deliver the unopened envelopes or pouches to the election officer or counting center
 1022 immediately but no later than 24 hours after the polls close; or

1023 (ii) if the polling place is 15 miles or more from the county seat, mail the election
 1024 returns to the election officer by registered mail from the post office most convenient to the
 1025 polling place within 24 hours after the polls close.

1026 (3) The election officer shall pay each [~~election judge that transports election returns \$2~~
 1027 ~~plus 30 cents per mile, one way, for every mile necessarily traveled between the polling place~~
 1028 ~~and the place of delivery.] poll worker reasonable compensation for travel that is necessary to
 1029 deliver the election returns and to return to the polling place.~~

1030 (4) The requirements of this section shall not prohibit transmission of the unofficial
 1031 vote count to the counting center via electronic means, provided that reasonable security
 1032 measures are taken to preserve the integrity and privacy of the transmission.

1033 Section 15. Section **20A-4-304** is amended to read:

1034 **20A-4-304. Declaration of results -- Canvassers' report.**

1035 (1) Each board of canvassers shall:

1036 (a) declare "elected" or "nominated" those persons who:

1037 (i) had the highest number of votes; and

- 1038 (ii) sought election or nomination to an office completely within the board's
1039 jurisdiction;
- 1040 (b) declare:
- 1041 (i) "approved" those ballot propositions that:
- 1042 (A) had more "yes" votes than "no" votes; and
- 1043 (B) were submitted only to the voters within the board's jurisdiction;
- 1044 (ii) "rejected" those ballot propositions that:
- 1045 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
1046 votes; and
- 1047 (B) were submitted only to the voters within the board's jurisdiction;
- 1048 (c) certify the vote totals for persons and for and against ballot propositions that were
1049 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
1050 the lieutenant governor; and
- 1051 (d) if applicable, certify the results of each special district election to the special district
1052 clerk.
- 1053 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
1054 result, which shall contain:
- 1055 (i) the total number of votes cast in the board's jurisdiction;
- 1056 (ii) the names of each candidate whose name appeared on the ballot;
- 1057 (iii) the title of each ballot proposition that appeared on the ballot;
- 1058 (iv) each office that appeared on the ballot;
- 1059 (v) from each voting precinct:
- 1060 (A) the number of votes for each candidate; and
- 1061 (B) the number of votes for and against each ballot proposition;
- 1062 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
1063 for and against each ballot proposition; and
- 1064 (vii) a statement certifying that the information contained in the report is accurate.
- 1065 (b) The election officer and the board of canvassers shall:

- 1066 (i) review the report to ensure that it is correct; and
1067 (ii) sign the report.
1068 (c) The election officer shall:
1069 (i) record or file the certified report in a book kept for that purpose;
1070 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
1071 to each nominated or elected candidate;
1072 (iii) publish a copy of the certified report in a newspaper with general circulation in the
1073 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and
1074 (iv) file a copy of the certified report with the lieutenant governor.
1075 (3) When there has been a regular general or a statewide special election for statewide
1076 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
1077 or more county ballot proposition, each board of canvassers shall:
1078 (a) prepare a separate report detailing the number of votes for each candidate and the
1079 number of votes for and against each ballot proposition; and
1080 (b) transmit it by registered mail to the lieutenant governor.
1081 (4) In each county election, municipal election, school election, special district
1082 election, and local special election, the election officer shall transmit the reports to the
1083 lieutenant governor within 14 days ~~[of the canvass]~~ after the date of the election.
1084 (5) In regular primary elections and in the Western States Presidential Primary, the
1085 board shall transmit to the lieutenant governor:
1086 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
1087 governor:
1088 (i) not later than the second Tuesday after the primary election for the regular primary
1089 election; and
1090 (ii) not later than the Friday after the election for the Western States Presidential
1091 Primary; and
1092 (b) a complete tabulation showing voting totals for all primary races, precinct by
1093 precinct, to be mailed to the lieutenant governor on or before the third Friday following the

1094 primary election.

1095 Section 16. Section **20A-5-202** is amended to read:

1096 **20A-5-202. Satellite registrars -- Duties.**

1097 (1) Satellite registrars may administer oaths and affirmations and perform all other acts
1098 that are necessary to fully accomplish the requirements of this part.

1099 (2) On the dates and at the times provided in Section 20A-2-203, a satellite registrar
1100 shall register to vote each person who is legally qualified and entitled to vote in that county on
1101 election day.

1102 (3) Each satellite registrar shall:

1103 (a) provide voter registration applications for interested citizens;

1104 (b) have maps available for determining precinct locations;

1105 (c) assist citizens in completing the voter registration form;

1106 (d) review completed voter registration forms to ensure that they are accurate and that
1107 the applicant meets eligibility requirements;

1108 (e) return the official proof of registration form to the voter; and

1109 (f) deliver completed registration forms to the county clerk.

1110 (4) The county clerk shall:

1111 (a) record the new voters into the official register [~~and posting list~~] or prepare an
1112 addendum of new voters for the official register [~~and posting list~~]; and

1113 (b) before election day, deliver the official register [~~posting list~~] and addendum, if
1114 any, to the [~~election judges~~] poll workers of each voting precinct.

1115 (5) During the time voter registration is being held, satellite registrars may not display
1116 any political signs, posters, or other designations of support for candidates, issues, or political
1117 parties on the premises.

1118 Section 17. Section **20A-5-205** is amended to read:

1119 **20A-5-205. Delivery of official register.**

1120 (1) Before delivering the official register to the [~~election judges~~] poll workers, the
1121 county clerk shall attach the certificate required by law to the book.

1122 (2) The county clerk shall deliver the official register [~~and the posting list~~], its accuracy
1123 verified by [~~his~~] the county clerk's signature, to [~~an election judge~~] a poll worker in each voting
1124 precinct by noon on the day before the election.

1125 Section 18. Section **20A-5-401** is amended to read:

1126 **20A-5-401. Official register -- Preparation -- Contents.**

1127 (1) (a) Before the registration days for each regular general, municipal general, regular
1128 primary, municipal primary, or Western States Presidential Primary election, each county clerk
1129 shall prepare an official register [~~and posting list~~] of voters for each voting precinct that will
1130 participate in the election.

1131 (b) The county clerk shall ensure that the official register [~~and posting list are bound or~~
1132 ~~loose leaf books~~] is prepared for the alphabetical entry of names and [~~ruled in columns of~~
1133 ~~suitable dimensions~~] contains entry fields to provide for the following [~~entries~~] information:

- 1134 (i) registered voter's name;
1135 (ii) party affiliation;
1136 (iii) grounds for challenge;
1137 (iv) name of person challenging a voter;
1138 (v) [~~ballot numbers,~~] primary, November, special;
1139 (vi) date of birth;
1140 (vii) place of birth;
1141 (viii) place of current residence;
1142 (ix) street address;
1143 (x) zip code; and
1144 (xi) space for the voter to sign his name for each election.

1145 (c) When preparing the official register [~~and posting list~~] for the Western States
1146 Presidential Primary, the county clerk shall include:

- 1147 (i) [~~a column~~] an entry field to record the name of the political party whose ballot the
1148 voter voted; and
1149 (ii) [~~a column~~] an entry field for the [~~election judge~~] poll worker to record changes in

1150 the voter's party affiliation.

1151 (d) When preparing the official register [~~and posting list~~] for any regular general
1152 election, regular primary election, or election for federal office, the county clerk shall include:

1153 (i) [~~a column~~] an entry field that indicates if the voter is required to show identification
1154 before voting;

1155 (ii) [~~a column~~] an entry field for the [~~election judge~~] poll worker to record the
1156 provisional envelope ballot number for voters who receive a provisional ballot; and

1157 (iii) a space for the [~~election judge~~] poll worker to record the type of proof of identity
1158 and the type of proof of residence provided by voters who receive a provisional ballot.

1159 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
1160 elections, special district elections, and bond elections, the county clerk shall make an official
1161 register [~~and posting list~~] only for voting precincts affected by the primary, municipal, special
1162 district, or bond election.

1163 (ii) If a polling place to be used in a bond election serves both voters residing in the
1164 local political subdivision calling the bond election and voters residing outside of that local
1165 political subdivision, the official register shall designate whether each voter resides in or
1166 outside of the local political subdivision.

1167 (iii) Each county clerk, with the assistance of the clerk of each affected special district,
1168 shall provide a detailed map or an indication on the registration list or other means to enable
1169 [~~an election judge~~] a poll worker to determine the voters entitled to vote at an election of
1170 special district officers.

1171 (b) Municipalities shall pay the costs of making the official register [~~and posting list~~]
1172 for municipal elections.

1173 Section 19. Section **20A-5-403** is amended to read:

1174 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**
1175 **Arrangements.**

1176 (1) Each election officer shall:

1177 (a) designate polling places for each voting precinct in the jurisdiction; and

- 1178 (b) obtain the approval of the county or municipal legislative body or special district
1179 governing board for those polling places.
- 1180 (2) (a) For each polling place, the election officer shall provide:
- 1181 (i) an American flag;
- 1182 (ii) a sufficient number of voting booths or compartments;
- 1183 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot [~~cards~~
1184 sheets, write-in ballots, and any other records and supplies necessary to enable a voter to vote;
- 1185 (iv) the constitutional amendment cards required by Part 1, Election Notices and
1186 Instructions;
- 1187 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
1188 Information Pamphlet; and
- 1189 (vi) the instruction cards required by Section 20A-5-102.
- 1190 (b) Each election officer shall ensure that:
- 1191 (i) each voting booth is at a convenient height for writing, and is arranged so that the
1192 voter can prepare his ballot screened from observation;
- 1193 (ii) there are a sufficient number of voting booths or voting devices to accommodate
1194 the voters at that polling place; and
- 1195 (iii) there is at least one voting booth or voting device that is configured to
1196 accommodate persons with disabilities.
- 1197 (c) Each county clerk shall provide a ballot box for each polling place that is large
1198 enough to properly receive and hold the ballots to be cast.
- 1199 (3) (a) [~~As of May 15, 2003, all~~] All polling places shall be physically inspected by
1200 each county clerk to ensure access by a person with a disability.
- 1201 (b) Any issues concerning inaccessibility to polling places by a person with a disability
1202 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
1203 clerk [~~on or after May 15, 2002~~] shall be:
- 1204 (i) forwarded to the Office of the Lieutenant Governor; and
- 1205 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be

1206 either:

1207 (A) remedied at the particular location by the county clerk;

1208 (B) the county clerk shall designate an alternative accessible location for the particular
1209 precinct; or

1210 (C) if no practical solution can be identified, file with the Office of the Lieutenant
1211 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

1212 (4) The municipality in which the election is held shall pay the cost of conducting each
1213 municipal election, including the cost of printing and supplies.

1214 (5) The county clerk shall make detailed entries of all proceedings had under this
1215 chapter.

1216 Section 20. Section **20A-5-405** is amended to read:

1217 **20A-5-405. Election officer to provide ballots.**

1218 (1) In jurisdictions using paper ballots, each election officer shall:

1219 (a) provide printed official paper ballots and absentee ballots for every election of
1220 public officers in which the voters, or any of the voters, within the election officer's jurisdiction
1221 participate;

1222 (b) cause the name of every candidate whose nomination has been certified to or filed
1223 with the election officer in the manner provided by law to be printed on each official paper
1224 ballot and absentee ballot;

1225 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
1226 be printed on each official paper ballot and absentee ballot;

1227 (d) ensure that the official paper ballots are printed and in the possession of the election
1228 officer [~~at least four days before election day~~] before commencement of voting;

1229 (e) ensure that the absentee ballots are printed and in the possession of the election
1230 officer [~~at least 15 days~~] with sufficient time before [~~election day~~] commencement of voting;

1231 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1232 be printed on each official paper ballot and absentee ballot;

1233 (g) allow candidates and their agents and the sponsors of ballot propositions that have

1234 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

1235 (h) cause sample ballots to be printed that are in the same form as official paper ballots

1236 and that contain the same information as official paper ballots but that are printed on different

1237 colored paper than official paper ballots;

1238 (i) ensure that the sample ballots are printed and in the possession of the election

1239 officer at least seven days before ~~[election day]~~ commencement of voting;

1240 (j) make the sample ballots available for public inspection by:

1241 (i) posting a copy of the sample ballot in his office at least seven days before ~~[the~~

1242 ~~election]~~ commencement of voting;

1243 (ii) mailing a copy of the sample ballot to:

1244 (A) each candidate listed on the ballot; and

1245 (B) the lieutenant governor; and

1246 (iii) publishing a copy of the sample ballot immediately before the election in at least

1247 one newspaper of general circulation in the jurisdiction holding the election;

1248 (k) deliver at least five copies of the sample ballot to ~~[election judges in]~~ poll workers

1249 for each [voting precinct] polling place and direct them to post the sample ballots ~~[at each~~

1250 ~~voting precinct]~~ as required by Section 20A-5-102; and

1251 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough

1252 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting

1253 demands of the qualified voters in each voting precinct.

1254 (2) In jurisdictions using a punch card ballot ~~[cards]~~, each election officer shall:

1255 (a) provide official ballot ~~[cards]~~ sheets, absentee ballot ~~[cards]~~ sheets, and printed

1256 official ballot labels for every election of public officers in which the voters, or any of the

1257 voters, within the election officer's jurisdiction participate;

1258 (b) cause the name of every candidate who filed with the election officer in the manner

1259 provided by law or whose nomination has been certified to the election officer to be printed on

1260 each official ballot label;

1261 (c) cause each ballot proposition that has qualified for the ballot as provided by law to

1262 be printed on each official ballot label;

1263 (d) ensure that the official ballot labels are printed and in the possession of the election
1264 officer ~~[at least four days before election day]~~ before the commencement of voting;

1265 (e) ensure that the absentee ballots are printed and in the possession of the election
1266 officer ~~[at least 15 days]~~ with sufficient time before ~~[election day]~~ commencement of voting;

1267 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1268 be printed on each official ballot label and absentee ballot;

1269 (g) allow candidates and their agents and the sponsors of ballot propositions that have
1270 qualified for the official sample ballot to inspect the official sample ballot;

1271 (h) cause sample ballots to be printed that contain the same information as official
1272 ballot labels but that are distinguishable from official ballot labels;

1273 (i) ensure that the sample ballots are printed and in the possession of the election
1274 officer at least seven days before ~~[election day]~~ commencement of voting;

1275 (j) make the sample ballots available for public inspection by:

1276 (i) posting a copy of the sample ballot in his office at least seven days before ~~[the~~
1277 ~~election]~~ commencement of voting;

1278 (ii) mailing a copy of the sample ballot to:

1279 (A) each candidate listed on the ballot; and

1280 (B) the lieutenant governor; and

1281 (iii) publishing a copy of the sample ballot immediately before the election in at least
1282 one newspaper of general circulation in the jurisdiction holding the election;

1283 (k) deliver at least five copies of the sample ballot to ~~[election judges in]~~ poll workers
1284 for each [voting precinct] polling place and direct them to post the sample ballots ~~[at each~~
1285 ~~voting precinct]~~ as required by Section 20A-5-102; and

1286 (l) print and deliver official ballot ~~[cards]~~ sheets, official ballot labels, sample ballots,
1287 and instruction cards at the expense of the jurisdiction conducting the election.

1288 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer
1289 shall:

1290 (a) provide official ballot sheets and absentee ballot sheets for every election of public
1291 officers in which the voters, or any of the voters, within the election officer's jurisdiction
1292 participate;

1293 (b) cause the name of every candidate who filed with the election officer in the manner
1294 provided by law or whose nomination has been certified to or filed with the election officer to
1295 be printed on each official ballot and absentee ballot;

1296 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
1297 be printed on each official ballot and absentee ballot;

1298 (d) ensure that the official ballots are printed and in the possession of the election
1299 officer before commencement of voting;

1300 (e) ensure that the absentee ballots are printed and in the possession of the election
1301 officer with sufficient time before commencement of voting;

1302 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1303 be printed on each official ballot and absentee ballot;

1304 (g) allow candidates and their agents and the sponsors of ballot propositions that have
1305 qualified for the official sample ballot to inspect the official sample ballot;

1306 (h) cause sample ballots to be printed that contain the same information as official
1307 ballots but that are distinguishable from the official ballots;

1308 (i) ensure that the sample ballots are printed and in the possession of the election
1309 officer at least seven days before commencement of voting;

1310 (j) make the sample ballots available for public inspection by:

1311 (i) posting a copy of the sample ballot in the election officer's office at least seven days
1312 before commencement of voting;

1313 (ii) mailing a copy of the sample ballot to:

1314 (A) each candidate listed on the ballot; and

1315 (B) the lieutenant governor; and

1316 (iii) publishing a copy of the sample ballot immediately before the election in at least
1317 one newspaper of general circulation in the jurisdiction holding the election;

- 1318 (k) deliver at least five copies of the sample ballot to poll workers for each polling
1319 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 1320 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
1321 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
1322 demands of the qualified voters in each voting precinct.
- 1323 (4) In jurisdictions using electronic ballots, each election officer shall:
- 1324 (a) provide official ballots for every election of public officers in which the voters, or
1325 any of the voters, within the election officer's jurisdiction participate;
- 1326 (b) cause the name of every candidate who filed with the election officer in the manner
1327 provided by law or whose nomination has been certified to the election officer to be displayed
1328 on each official ballot;
- 1329 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
1330 be displayed on each official ballot;
- 1331 (d) ensure that the official ballots are prepared and in the possession of the election
1332 officer before commencement of voting;
- 1333 (e) ensure that the absentee ballots are prepared and in the possession of the election
1334 officer at least 15 days before commencement of voting;
- 1335 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1336 be printed on each official ballot and absentee ballot;
- 1337 (g) allow candidates and their agents and the sponsors of ballot propositions that have
1338 qualified for the official sample ballot to inspect the official sample ballot;
- 1339 (h) cause sample ballots to be printed that contain the same information as official
1340 ballots but that are distinguishable from official ballots;
- 1341 (i) ensure that the sample ballots are printed and in the possession of the election
1342 officer at least seven days before commencement of voting;
- 1343 (j) make the sample ballots available for public inspection by:
- 1344 (i) posting a copy of the sample ballot in the election officer's office at least seven days
1345 before commencement of voting;

- 1346 (ii) mailing a copy of the sample ballot to:
 1347 (A) each candidate listed on the ballot; and
 1348 (B) the lieutenant governor; and
 1349 (iii) publishing a copy of the sample ballot immediately before the election in at least
 1350 one newspaper of general circulation in the jurisdiction holding the election;
 1351 (k) deliver at least five copies of the sample ballot to poll workers for each polling
 1352 place and direct them to post the sample ballots as required by Section 20A-5-102; and
 1353 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the
 1354 expense of the jurisdiction conducting the election.

1355 [~~(3)~~] (5) (a) Each election officer shall, without delay, correct any error discovered in
 1356 any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the
 1357 correction can be made without interfering with the timely distribution of the paper ballots
 1358 [and], ballot labels, ballot sheets, or electronic ballots.

1359 (b) (i) If the election officer discovers [~~errors or omissions~~] an error or omission in
 1360 [the] a paper [ballots or] ballot, ballot [labels] label, or ballot sheet, and it is not possible to
 1361 correct the [errors or omissions] error or omission by reprinting the paper ballots [or], ballot
 1362 labels, or ballot sheets, the election officer shall direct the [election judges] poll workers to
 1363 make the necessary corrections on the official paper ballots [or], ballot labels, or ballot sheets
 1364 before they are distributed at the polls.

1365 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
 1366 not possible to correct the error or omission by revising the electronic ballot, the election
 1367 officer shall direct the poll workers to post notice of each error or omission with instructions on
 1368 how to correct each error or omission in a prominent position at each polling booth.

1369 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper
 1370 ballots [or], ballot labels, ballot sheets, or electronic ballots, a candidate or [~~his~~] a candidate's
 1371 agent may file a verified petition with the district court asserting that:

- 1372 (A) an error or omission has occurred in;
 1373 (1) the publication of the name or description of a candidate [or];

1374 (II) the preparation or display of an electronic ballot; or

1375 (III) in the printing of sample or official paper ballots [or], ballot labels, or ballot
1376 sheets; and

1377 (B) the election officer has failed to correct or provide for the correction of the error or
1378 omission.

1379 (ii) The district court shall issue an order requiring correction of any error in a paper
1380 ballot [or], ballot label, ballot sheet, or electronic ballot or an order to show cause why the error
1381 should not be corrected if it appears to the court that the error or omission has occurred and the
1382 election officer has failed to correct it or failed to provide for its correction.

1383 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
1384 Supreme Court within five days after the decision of the district court.

1385 Section 21. Section **20A-5-406** is amended to read:

1386 **20A-5-406. Delivery of ballots.**

1387 (1) In elections using paper ballots or ballot sheets:

1388 [~~(1)~~] (a) Each election officer shall deliver ballots to the [election judges] poll workers
1389 of each voting precinct in his jurisdiction [as follows:] in an amount sufficient to meet voting
1390 needs during the voting period.

1391 [~~(a) in regular general elections and regular primary elections:]~~

1392 [~~(i) if the boundaries of the voting precinct have not been changed since the last~~
1393 ~~election, 75 ballots for every 50, or fraction of 50, voters registered at the last election in the~~
1394 ~~voting precinct; and]~~

1395 [~~(ii) if the boundaries of the voting precinct have been changed since the last election,~~
1396 ~~or when a new voting precinct has been created, 75 ballots for every 50, or fraction of 50,~~
1397 ~~voters that the election officer estimates are registered to vote in the revised or new precinct;~~
1398 ~~and]~~

1399 [~~(b) in regular municipal elections and municipal primary elections, one ballot for each~~
1400 ~~registered voter.]~~

1401 [~~(2)~~] (b) The election officer shall:

1402 ~~[(a)]~~ (i) package and deliver the ballots to the election judges;

1403 ~~[(b)]~~ (ii) clearly mark the outside of the package with:

1404 ~~[(i)]~~ (A) the voting precinct and polling place for which it is intended; and

1405 ~~[(ii)]~~ (B) the number of each type of ballots enclosed;

1406 ~~[(c)]~~ (iii) ensure that each package is delivered before ~~[noon the Monday before~~

1407 ~~election day]~~ commencement of voting to ~~[an election judge]~~ a poll worker in each precinct;

1408 and

1409 ~~[(d)]~~ (iv) obtain a receipt for the ballots from the ~~[election judge]~~ poll worker to whom

1410 they were delivered that identifies the date and time when, and the manner in which, each

1411 ballot package was sent and delivered.

1412 ~~[(3)-(a)]~~ (c) The election officer shall prepare substitute ballots in the form required by

1413 this Subsection (1) if any ~~[election judge]~~ poll worker reports that:

1414 (i) the ballots were not delivered on time; or

1415 (ii) after delivery, they were destroyed or stolen.

1416 ~~[(b)]~~ (d) The election officer shall:

1417 (i) prepare the substitute ballots as nearly in the form prescribed for official ballots as

1418 practicable;

1419 (ii) cause the word "substitute" to be printed in brackets immediately under the

1420 facsimile signature of the clerk or recorder preparing the ballots;

1421 (iii) place the ballots in two separate packages, each package containing 1/2 the ballots

1422 sent to that voting precinct; and

1423 (iv) place a signed statement in each package certifying that the substitute ballots found

1424 in the package were prepared and furnished by ~~[him]~~ the election officer, and that the original

1425 ballots were not received, were destroyed, or were stolen.

1426 (2) In elections using electronic ballots:

1427 (a) Each election officer shall:

1428 (i) deliver the voting devices and electronic ballots prior to the commencement of

1429 voting;

1430 (ii) ensure that the voting devices, equipment, and electronic ballots are properly
1431 secured before commencement of voting; and

1432 (iii) when electronic ballots or voting devices containing electronic ballots are
1433 delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered
1434 that identifies:

1435 (A) the name of the poll worker receiving delivery; and

1436 (B) the date and time when the ballots or voting devices containing the electronic
1437 ballots were delivered.

1438 (b) The election officer shall repair or provide substitute voting devices, equipment, or
1439 electronic ballots, if available, if any poll worker reports that:

1440 (i) the voting devices or equipment were not delivered on time;

1441 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
1442 information;

1443 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
1444 have been tampered with;

1445 (iv) the voting devices or equipment do not appear to be functioning properly; or

1446 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
1447 or stolen.

1448 (c) If the election officer is unable to prepare and provide substitute voting devices,
1449 equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot
1450 sheets according to the requirements of Subsection (1).

1451 Section 22. Section **20A-5-605** is amended to read:

1452 **20A-5-605. Duties of poll workers.**

1453 (1) [~~(a) Receiving judges~~] Poll workers shall:

1454 (a) arrive at the polling place [~~30 minutes before the polls open~~] at a time determined
1455 by the election officer; and

1456 (b) remain until the official election returns are prepared for delivery.

1457 [~~(b) Counting judges shall be at the polls as directed by the election officer and remain~~]

1458 ~~until the official election returns are prepared for delivery.]~~
 1459 (2) The election officer may designate:
 1460 (a) certain poll workers to act as election judges;
 1461 (b) an election judge to act as the presiding election judge; and
 1462 (c) certain poll workers to act as clerks.
 1463 ~~[(2)]~~ (3) Upon their arrival to open the polls, each set of [election judges] poll workers
 1464 shall:
 1465 ~~[(a) designate which judge shall preside and which judges shall act as clerks;]~~
 1466 (a) if the election officer has not designated which poll workers at a polling place shall
 1467 act as election judges, as presiding election judge, or as clerks:
 1468 (i) designate two poll workers to act as election judges as necessary;
 1469 (ii) determine which election judge shall preside as necessary; and
 1470 (iii) determine which poll workers shall act as clerks as necessary;
 1471 (b) ~~[in voting precincts using paper ballots,]~~ select one or more of their number to
 1472 deliver the election returns to the election officer or to the place that the election officer
 1473 designates;
 1474 ~~[(c) in voting precincts using ballot cards, select two of their number, each from a~~
 1475 ~~different party, to deliver the election returns to the election officer or to the place that the~~
 1476 ~~election officer designates;]~~
 1477 ~~[(d)]~~ (c) display the United States flag;
 1478 ~~[(e) open]~~ (d) examine the voting devices ~~[and examine them]~~ to see that they are in
 1479 proper working order and that security devices have not been tampered with;
 1480 ~~[(f)]~~ (e) place the voting devices, voting booths, and the ballot box in plain view of
 1481 ~~[election judges]~~ those poll workers and watchers that are present;
 1482 ~~[(g)]~~ (f) for paper ballots and ballot sheets, open the ballot packages in the presence of
 1483 all the ~~[judges]~~ poll workers;
 1484 ~~[(h)]~~ (g) check the ballots, supplies, records, and forms;
 1485 ~~[(i)]~~ (h) if directed to do so by the election officer[-];

1486 (i) make any necessary corrections to the official ballots before they are distributed at
1487 the polls; and

1488 (ii) post any necessary notice of errors in electronic ballots before voting commences;

1489 ~~(j)~~ (i) post the sample ballots, instructions to voters, and constitutional amendments,
1490 if any; and

1491 ~~[(k) hang the posting list near the polling place entrance; and]~~

1492 ~~(H)~~ (j) open the ballot box in the presence of those assembled, turn it upside down to
1493 empty it of anything, and then, immediately before polls open, lock it, or if locks and keys are
1494 not available, tape it securely.

1495 (3) (a) If any ~~[election judge]~~ poll worker fails to appear on the morning of the election,
1496 or fails or refuses to act[;]:

1497 (i) at least six qualified electors from the voting precinct who are present at the polling
1498 place at the hour designated by law for the opening of the polls shall fill the vacancy by
1499 appointing another qualified person from the voting precinct who is a member of the same
1500 political party as the ~~[judge]~~ poll worker who is being replaced to act as ~~[election judge:]~~ a poll
1501 worker; or

1502 (ii) the election officer shall appoint a qualified person to act as a poll worker.

1503 (b) If a majority of the ~~[receiving election judges]~~ poll workers are present, they shall
1504 open the polls, even though ~~[the alternate judge]~~ a poll worker has not arrived.

1505 (4) (a) If it is impossible or inconvenient to hold an election at the polling place
1506 designated, the ~~[election judges]~~ poll workers, after having assembled at or as near as
1507 practicable to the designated place, and before receiving any vote, may move to the nearest
1508 convenient place for holding the election.

1509 (b) If the ~~[judges]~~ poll workers move to a new polling place, they shall display a
1510 proclamation of the change and station a peace officer or some other proper person at the
1511 original polling place to notify voters of the location of the new polling place.

1512 (5) If the ~~[election judge]~~ poll worker who received delivery of the ballots produces
1513 packages of substitute ballots accompanied by a written and sworn statement of the election

1514 officer that the ballots are substitute ballots because the original ballots were not received, were
1515 destroyed, or were stolen, the ~~[election judges]~~ poll workers shall use those substitute ballots as
1516 the official election ballots.

1517 (6) If, for any reason, none of the official or substitute ballots are ready for distribution
1518 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the
1519 ~~[election judges]~~ poll workers may use unofficial ballots, made as nearly as possible in the
1520 form of the official ballot, until substitutes prepared by the election officer are printed and
1521 delivered.

1522 (7) When it is time to open the polls, one of the ~~[election judges]~~ poll workers shall
1523 announce that the polls are open as required by Section 20A-1-302.

1524 (8) (a) The ~~[election judges]~~ poll workers shall comply with the voting procedures and
1525 requirements of Title 20A, Chapter 3, Voting, in allowing people to vote.

1526 (b) The ~~[election judges]~~ poll workers may not allow any person, other than election
1527 officials and those admitted to vote, within six feet of voting ~~[machines]~~ devices, voting
1528 booths, and the ballot box.

1529 (c) Besides the ~~[election judges]~~ poll workers and watchers, the ~~[election judges]~~ poll
1530 workers may not allow more than four voters in excess of the number of voting booths
1531 provided within six feet of voting ~~[machines]~~ devices, voting booths, and the ballot box.

1532 (d) If necessary, the ~~[election judges]~~ poll workers shall instruct each voter about how
1533 to operate the voting device before the voter enters the voting booth.

1534 (e) (i) If the voter requests additional instructions after entering the voting booth, two
1535 ~~[election judges]~~ poll workers may, if necessary, enter the booth and give the voter additional
1536 instructions.

1537 (ii) In regular general elections and regular primary elections, the two ~~[election judges]~~
1538 poll workers who enter the voting booth to assist the voter shall be of different political parties.

1539 Section 23. Section **20A-5-706** is enacted to read:

1540 **20A-5-706. Damage, alteration, or theft of election equipment -- Penalty.**

1541 (1) It is unlawful for any person to intentionally or knowingly damage, modify, steal,

1542 tamper with, or destroy a voting device, voting equipment, or an automated voting system.

1543 (2) Any person who violates this section is guilty of a third degree felony.

1544 Section 24. Section **20A-6-102** is amended to read:

1545 **20A-6-102. General requirements for machine counted ballots.**

1546 (1) Each election officer shall ensure that ballots and ballot labels are printed:

1547 (a) to a size and arrangement that fits the construction of the voting device; and

1548 (b) in plain, clear type in black ink on clear white stock; or

1549 (c) in plain, clear type in black ink on stock of different colors if it is necessary to:

1550 (i) identify different ballots or parts of the ballot; or

1551 (ii) differentiate between political parties.

1552 (2) Each election officer shall ensure that:

1553 (a) ballot [~~cards~~] sheets are of a size, design, and stock suitable for processing by
1554 automatic data processing machines;

1555 (b) each ballot [~~card~~] sheet has an attached perforated stub, on which is printed the
1556 words "Official Ballot, (initial) [~~Judge~~] Poll Worker"; and

1557 (c) ballot stubs are numbered consecutively.

1558 (3) In elections in which voters are authorized to cast write-in votes, the election
1559 officer shall provide a separate write-in ballot, which may be in the form of a paper ballot, a
1560 card, or a secrecy envelope in which the voter places his ballot [~~card~~] sheet after voting, to
1561 permit voters to write in the title of the office and the name of the person or persons for whom
1562 the voter wishes to cast a write-in vote.

1563 (4) Notwithstanding any other provisions of this section, the election officer may
1564 authorize any ballots that are to be counted by means of electronic or electromechanical
1565 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks
1566 that will be suitable for use in the counting devices in which they are intended to be placed.

1567 Section 25. Section **20A-6-203** is amended to read:

1568 **20A-6-203. Ballots for regular primary elections.**

1569 (1) The lieutenant governor, together with county clerks, suppliers of election

1570 materials, and representatives of registered political parties, shall:

1571 (a) develop paper ballots, ballot labels, [~~and~~] ballot [~~cards~~] sheets, and electronic
1572 ballots to be used in Utah's regular primary election;

1573 (b) ensure that the paper ballots, ballot labels, [~~and~~] ballot [~~cards~~] sheets, and electronic
1574 ballots comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part
1575 1, General Requirements for All Ballots, and this section; and

1576 (c) provide voting booths, election records and supplies, [~~and~~] ballot boxes, and as
1577 applicable, voting devices, for each voting precinct as required by Section 20A-5-403.

1578 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
1579 Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401,
1580 and 20A-6-401.1, the lieutenant governor, together with county clerks, suppliers of election
1581 materials, and representatives of registered political parties shall ensure that the paper ballots,
1582 ballot labels, ballot [~~cards, and~~] sheets, electronic ballots, and voting booths, election records
1583 and supplies, and ballot boxes:

1584 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
1585 voters are authorized to vote for a party's candidate;

1586 (ii) simplify the task of [~~election judges~~] poll workers, particularly in determining a
1587 voter's party affiliation;

1588 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

1589 (iv) protect against fraud.

1590 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
1591 county clerks, suppliers of election materials, and representatives of registered political parties
1592 shall:

1593 (i) mark, prepunch, or otherwise identify ballots and ballot [~~cards~~] sheets as being for a
1594 particular registered political party; and

1595 (ii) instruct persons counting the ballots to count only those votes for candidates from
1596 the registered political party whose ballot the voter received.

1597 Section 26. Section **20A-6-301** is amended to read:

1598 **20A-6-301. Paper ballots -- Regular general election.**

1599 (1) Each election officer shall ensure that:

1600 (a) all paper ballots furnished for use at the regular general election contain no captions
1601 or other endorsements except as provided in this section;1602 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
1603 top of the ballot, and divided from the rest of ballot by a perforated line;1604 (ii) the ballot number and the words "[~~Judge's~~] Poll Worker's Initial ____" are printed
1605 on the stub; and

1606 (iii) ballot stubs are numbered consecutively;

1607 (c) immediately below the perforated ballot stub, the following endorsements are
1608 printed in 18-point bold type:

1609 (i) "Official Ballot for ____ County, Utah";

1610 (ii) the date of the election; and

1611 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

1612 (d) each ticket is placed in a separate column on the ballot in the order determined by
1613 the election officer with the party emblem, followed by the party name, at the head of the
1614 column;

1615 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

1616 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,
1617 and the top of the circle is placed not less than two inches below the perforated line;1618 (g) unaffiliated candidates and candidates not affiliated with a registered political party
1619 are listed in one column, without a party circle, with the following instructions printed at the
1620 head of the column: "All candidates not affiliated with a political party are listed below. They
1621 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
1622 for each office.";1623 (h) the columns containing the lists of candidates, including the party name and device,
1624 are separated by heavy parallel lines;

1625 (i) the offices to be filled are plainly printed immediately above the names of the

1626 candidates for those offices;

1627 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
1628 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
1629 an inch apart;

1630 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the
1631 right of the name of each candidate;

1632 (l) for the offices of president and vice president and governor and lieutenant governor,
1633 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a
1634 double bracket enclosing the right side of the names of the two candidates;

1635 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a
1636 write-in column long enough to contain as many written names of candidates as there are
1637 persons to be elected with:

1638 ~~[(i) the offices to be filled printed above the blank spaces on the ticket; and]~~

1639 (i) for each office on the ballot, the office to be filled plainly printed immediately
1640 above;

1641 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
1642 square with sides measuring not less than 1/4 of an inch in length printed at the right of the
1643 blank horizontal line; or

1644 (B) for the offices of president and vice president and governor and lieutenant
1645 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
1646 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
1647 length printed opposite a double bracket enclosing the right side of the two blank horizontal
1648 lines; and

1649 (ii) the words "Write-In Voting Column" printed at the head of the column without a
1650 1/2 inch circle;

1651 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the
1652 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point
1653 solid rule running vertically the full length of the nonpartisan ballot copy; and

1654 (o) constitutional amendments or other questions submitted to the vote of the people,
1655 are printed on the ballot after the list of candidates.

1656 (2) Each election officer shall ensure that:

1657 (a) each person nominated by any political party or group of petitioners is placed on the
1658 ballot:

1659 (i) under the party name and emblem, if any; or

1660 (ii) under the title of the party or group as designated by them in their certificates of
1661 nomination or petition, or, if none is designated, then under some suitable title;

1662 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
1663 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

1664 (c) the names of the candidates for president and vice president are used on the ballot
1665 instead of the names of the presidential electors; and

1666 (d) the ballots contain no other names.

1667 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
1668 that:

1669 (a) the designation of the office to be filled in the election and the number of
1670 candidates to be elected are printed in type not smaller than eight-point;

1671 (b) the words designating the office are printed flush with the left-hand margin;

1672 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
1673 the column;

1674 (d) the nonpartisan candidates are grouped according to the office for which they are
1675 candidates;

1676 (e) the names in each group are placed in alphabetical order with the surnames last,
1677 except for candidates for the State Board of Education and local school boards;

1678 (f) the names of candidates for the State Board of Education are placed on the ballot as
1679 certified by the lieutenant governor under Section 20A-14-105;

1680 (g) if candidates for membership on a local board of education were selected in a
1681 primary election, the name of the candidate who received the most votes in the primary election

1682 is listed first on the ballot;

1683 (h) if candidates for membership on a local board of education were not selected in the
1684 primary election, the names of the candidates are listed on the ballot in the order determined by
1685 a lottery conducted by the county clerk; and

1686 (i) each group is preceded by the designation of the office for which the candidates
1687 seek election, and the words, "Vote for one" or "Vote for two or more," according to the
1688 number to be elected.

1689 (4) Each election officer shall ensure that:

1690 (a) proposed amendments to the Utah Constitution are listed on the ballot under the
1691 heading "Constitutional Amendment Number ___" with the number of the constitutional
1692 amendment as assigned under Section 20A-7-103 placed in the blank;

1693 (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot
1694 under the heading "State Proposition Number ___" with the number of the state proposition as
1695 assigned under Section 20A-7-103 placed in the blank;

1696 (c) propositions submitted to the voters by a county are listed on the ballot under the
1697 heading "County Proposition Number ___" with the number of the county proposition as
1698 assigned by the county legislative body placed in the blank;

1699 (d) propositions submitted to the voters by a school district are listed on the ballot
1700 under the heading "School District Proposition Number ___" with the number of the school
1701 district proposition as assigned by the county legislative body placed in the blank;

1702 (e) state initiatives that have qualified for the ballot are listed on the ballot under the
1703 heading "Citizen's State Initiative Number ___" with the number of the state initiative as
1704 assigned by Section 20A-7-209 placed in the blank;

1705 (f) county initiatives that have qualified for the ballot are listed on the ballot under the
1706 heading "Citizen's County Initiative Number ___" with the number of the county initiative as
1707 assigned under Section 20A-7-508 placed in the blank;

1708 (g) state referenda that have qualified for the ballot are listed on the ballot under the
1709 heading "Citizen's State Referendum Number ___" with the number of the state referendum as

1710 assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;

1711 (h) county referenda that have qualified for the ballot are listed on the ballot under the
1712 heading "Citizen's County Referendum Number ___" with the number of the county referendum
1713 as assigned under Section 20A-7-608 placed in the blank; and

1714 (i) bond propositions that have qualified for the ballot are listed on the ballot under the
1715 title assigned to each bond proposition under Section 11-14-206.

1716 Section 27. Section **20A-6-302** is amended to read:

1717 **20A-6-302. Paper ballots -- Placement of candidates' names.**

1718 (1) Each election officer shall ensure, for paper ballots in regular general elections,
1719 that:

1720 (a) except for candidates for state school board and local school boards:

1721 (i) each candidate is listed by party; and

1722 (ii) candidates' surnames are listed in alphabetical order on the ballots when two or
1723 more candidates' names are required to be listed on a ticket under the title of an office;

1724 (b) the names of candidates for the State Board of Education are placed on the ballot as
1725 certified by the lieutenant governor under Section 20A-14-105;

1726 (c) if candidates for membership on a local board of education were selected in a
1727 regular primary election, the name of the candidate who received the most votes in the regular
1728 primary election is listed first on the ballot; and

1729 (d) if candidates for membership on a local board of education were not selected in the
1730 regular primary election, the names of the candidates are listed on the ballot in the order
1731 determined by a lottery conducted by the county clerk.

1732 (2) (a) The election officer may not allow the name of a candidate who dies or
1733 withdraws before election day to be printed upon the ballots.

1734 (b) If the ballots have already been printed, the election officer:

1735 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a
1736 line through the candidate's name before the ballots are delivered to voters; and

1737 (ii) may not count any votes for that dead or withdrawn candidate.

1738 (3) (a) When there is only one candidate for county attorney at the regular general
1739 election in counties that have three or fewer registered voters of the county who are licensed
1740 active members in good standing of the Utah State Bar, the county clerk shall cause that
1741 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
1742 with the following question: "Shall (name of candidate) be elected to the office of county
1743 attorney? Yes ____ No ____."

1744 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
1745 elected to the office of county attorney.

1746 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
1747 elected and may not take office, nor may he continue in the office past the end of the term
1748 resulting from any prior election or appointment.

1749 (d) When the name of only one candidate for county attorney is printed on the ballot
1750 under authority of this Subsection (3), the county clerk may not count any write-in votes
1751 received for the office of county attorney.

1752 (e) If no qualified person files for the office of county attorney or if the candidate is not
1753 elected by the voters, the county legislative body shall appoint the county attorney as provided
1754 in Section 20A-1-509.2.

1755 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
1756 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
1757 two consecutive terms immediately preceding the term for which the candidate is seeking
1758 election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an
1759 unopposed candidate the same as any other unopposed candidate for another office, unless a
1760 petition is filed with the county clerk before the date of that year's primary election that:

1761 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

1762 (ii) contains the signatures of registered voters in the county representing in number at
1763 least 25% of all votes cast in the county for all candidates for governor at the last election at
1764 which a governor was elected.

1765 (4) (a) When there is only one candidate for district attorney at the regular general

1766 election in a prosecution district that has three or fewer registered voters of the district who are
1767 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
1768 that candidate's name and party affiliation, if any, to be placed on a separate section of the
1769 ballot with the following question: "Shall (name of candidate) be elected to the office of district
1770 attorney? Yes ____ No ____."

1771 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
1772 elected to the office of district attorney.

1773 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
1774 elected and may not take office, nor may he continue in the office past the end of the term
1775 resulting from any prior election or appointment.

1776 (d) When the name of only one candidate for district attorney is printed on the ballot
1777 under authority of this Subsection (4), the county clerk may not count any write-in votes
1778 received for the office of district attorney.

1779 (e) If no qualified person files for the office of district attorney, or if the only candidate
1780 is not elected by the voters under this subsection, the county legislative body shall appoint a
1781 new district attorney for a four-year term as provided in Section 20A-1-509.2.

1782 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on
1783 the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the
1784 two consecutive terms immediately preceding the term for which the candidate is seeking
1785 election, Subsection (4)(a) shall not apply and that candidate shall be considered to be an
1786 unopposed candidate the same as any other unopposed candidate for another office, unless a
1787 petition is filed with the county clerk before the date of that year's primary election that:

1788 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and

1789 (ii) contains the signatures of registered voters in the county representing in number at
1790 least 25% of all votes cast in the county for all candidates for governor at the last election at
1791 which a governor was elected.

1792 Section 28. Section **20A-6-303** is amended to read:

1793 **20A-6-303. Regular general election -- Ballot sheets.**

- 1794 (1) Each election officer shall ensure that:
- 1795 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
- 1796 approximately the same order as paper ballots;
- 1797 (b) the titles of offices and the names of candidates are printed in vertical columns or in
- 1798 a series of separate pages;
- 1799 (c) [~~if pages are used, the pages placed on the voting device~~] the ballot sheet or any
- 1800 pages used for the ballot label are of sufficient number to include, after the list of candidates:
- 1801 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
- 1802 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 1803 (d) [~~the ballot labels include~~] a voting square or position is included where the voter
- 1804 may record a straight party ticket vote for all the candidates of one party by one mark or punch;
- 1805 (e) the tickets are printed [~~on the ballot label~~] in the order determined by the county
- 1806 clerk;
- 1807 (f) the office titles are printed above or at the side of the names of candidates so as to
- 1808 indicate clearly the candidates for each office and the number to be elected;
- 1809 (g) the party designation of each candidate is printed to the right or below the
- 1810 candidate's name; and
- 1811 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
- 1812 page;
- 1813 (ii) if all candidates for one office cannot be listed in one column or grouped [~~upon~~] on
- 1814 one page:
- 1815 (A) the ballot sheet or ballot label [~~is~~] shall be clearly marked to indicate that the list of
- 1816 candidates is continued on the following column or page; and
- 1817 (B) approximately the same number of names [~~are~~] shall be printed in each column or
- 1818 on each page; and
- 1819 (i) arrows [~~are~~] shall be used to indicate the place to vote for each candidate and on
- 1820 each measure.
- 1821 (2) Each election officer shall ensure that:

1822 (a) proposed amendments to the Utah Constitution are listed [~~on the ballot label~~] under
1823 the heading "Constitutional Amendment Number ___" with the number of the constitutional
1824 amendment as assigned under Section 20A-7-103 placed in the blank;

1825 (b) propositions submitted to the voters by the Utah Legislature are listed [~~on the ballot
1826 label~~] under the heading "State Proposition Number ___" with the number of the state
1827 proposition as assigned under Section 20A-7-103 placed in the blank;

1828 (c) propositions submitted to the voters by a county are listed [~~on the ballot label~~]
1829 under the heading "County Proposition Number ___" with the number of the county proposition
1830 as assigned by the county legislative body placed in the blank;

1831 (d) propositions submitted to the voters by a school district are listed [~~on the ballot
1832 label~~] under the heading "School District Proposition Number ___" with the number of the
1833 school district proposition as assigned by the county legislative body placed in the blank;

1834 (e) state initiatives that have qualified for the ballot are listed [~~on the ballot label~~]
1835 under the heading "Citizen's State Initiative Number ___" with the number of the state initiative
1836 as assigned under Section 20A-7-209 placed in the blank;

1837 (f) county initiatives that have qualified for the ballot are listed [~~on the ballot label~~]
1838 under the heading "Citizen's County Initiative Number ___" with the number of the county
1839 initiative as assigned under Section 20A-7-508 placed in the blank;

1840 (g) state referenda that have qualified for the ballot are listed [~~on the ballot label~~] under
1841 the heading "Citizen's State Referendum Number ___" with the number of the state referendum
1842 as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;

1843 (h) county referenda that have qualified for the ballot are listed [~~on the ballot label~~]
1844 under the heading "Citizen's County Referendum Number ___" with the number of the county
1845 referendum as assigned under Section 20A-7-608 placed in the blank; and

1846 (i) bond propositions that have qualified for the ballot are listed [~~on the ballot label~~]
1847 under the title assigned to each bond proposition under Section 11-14-206.

1848 Section 29. Section **20A-6-304** is enacted to read:

1849 **20A-6-304. Regular general election -- Electronic ballots.**

- 1850 (1) Each election officer shall ensure that:
- 1851 (a) the format and content of the electronic ballot is arranged in approximately the
1852 same order as paper ballots;
- 1853 (b) the titles of offices and the names of candidates are displayed in vertical columns or
1854 in a series of separate display screens;
- 1855 (c) the electronic ballot is of sufficient length to include, after the list of candidates:
- 1856 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
1857 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 1858 (d) a voting square or position is included where the voter may record a straight party
1859 ticket vote for all the candidates of one party by making a single selection;
- 1860 (e) the tickets are displayed in the order determined by the county clerk;
- 1861 (f) the office titles are displayed above or at the side of the names of candidates so as to
1862 indicate clearly the candidates for each office and the number to be elected;
- 1863 (g) the party designation of each candidate is displayed adjacent to the candidate's
1864 name; and
- 1865 (h) if possible, all candidates for one office are grouped in one column or upon one
1866 display screen.
- 1867 (2) Each election officer shall ensure that:
- 1868 (a) proposed amendments to the Utah Constitution are displayed under the heading
1869 "Constitutional Amendment Number " with the number of the constitutional amendment as
1870 assigned under Section 20A-7-103 placed in the blank;
- 1871 (b) propositions submitted to the voters by the Utah Legislature are displayed under the
1872 heading "State Proposition Number " with the number of the state proposition as assigned
1873 under Section 20A-7-103 placed in the blank;
- 1874 (c) propositions submitted to the voters by a county are displayed under the heading
1875 "County Proposition Number " with the number of the county proposition as assigned by the
1876 county legislative body placed in the blank;
- 1877 (d) propositions submitted to the voters by a school district are displayed under the

1878 heading "School District Proposition Number _____" with the number of the school district
1879 proposition as assigned by the county legislative body placed in the blank;

1880 (e) state initiatives that have qualified for the ballot are displayed under the heading
1881 "Citizen's State Initiative Number _____" with the number of the state initiative as assigned under
1882 Section 20A-7-209 placed in the blank;

1883 (f) county initiatives that have qualified for the ballot are displayed under the heading
1884 "Citizen's County Initiative Number _____" with the number of the county initiative as assigned
1885 under Section 20A-7-508 placed in the blank;

1886 (g) state referenda that have qualified for the ballot are displayed under the heading
1887 "Citizen's State Referendum Number _____" with the number of the state referendum as assigned
1888 under Sections 20A-7-209 and 20A-7-308 placed in the blank;

1889 (h) county referenda that have qualified for the ballot are displayed under the heading
1890 "Citizen's County Referendum Number _____" with the number of the county referendum as
1891 assigned under Section 20A-7-608 placed in the blank; and

1892 (i) bond propositions that have qualified for the ballot are displayed under the title
1893 assigned to each bond proposition under Section 11-14-206.

1894 Section 30. Section **20A-6-401.1** is amended to read:

1895 **20A-6-401.1. Ballots for partisan municipal primary elections.**

1896 (1) If a municipality is using paper ballots, each election officer shall ensure that:

1897 (a) all paper ballots furnished for use at the regular primary election:

1898 (i) are perforated to separate the candidates of one political party from those of the
1899 other political parties so that the voter may separate the part of the ballot containing the names
1900 of the political party of the voter's choice from the rest of the ballot;

1901 (ii) have sides that are perforated so that the outside sections of the ballot, when
1902 detached, are similar in appearance to the inside sections of the ballot when detached; and

1903 (iii) contain no captions or other endorsements except as provided in this section;

1904 (b) the names of all candidates from each party are listed on the same ballot in one or
1905 more columns under their party name and emblem;

1906 (c) the political parties are printed on the ballot in the order determined by the county
1907 clerk;

1908 (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the
1909 top of the ballot;

1910 (ii) the ballot number and the words "[~~Judge's~~] Poll Worker's Initials ____" are printed
1911 on the stub; and

1912 (iii) ballot stubs are numbered consecutively;

1913 (e) immediately below the perforated ballot stub, the following endorsements are
1914 printed in 18-point bold type:

1915 (i) "Official Primary Ballot for ____ County, Utah";

1916 (ii) the date of the election; and

1917 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

1918 (f) after the facsimile signature, the political party emblem and the name of the
1919 political party are printed;

1920 (g) after the party name and emblem, the ballot contains the following printed in not
1921 smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a
1922 candidate, place a cross (X) in the square at the right of the name of the person for whom you
1923 wish to vote and in no other place. Do not vote for any candidate listed under more than one
1924 party or group designation.", followed by two one-point parallel horizontal rules;

1925 (h) after the rules, the designation of the office for which the candidates seek
1926 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
1927 for two or more" are printed to extend to the extreme right of the column in ten-point bold type,
1928 followed by a hair-line rule;

1929 (i) after the hair-line rule, the names of the candidates are printed in heavy face type
1930 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
1931 and grouped according to the office that they seek;

1932 (j) a square with sides not less than 1/4 inch long is printed to the right of the names of
1933 the candidates;

- 1934 (k) the candidate groups are separated from each other by one light and one heavy line
1935 or rule; and
- 1936 (l) the nonpartisan candidates are listed as follows:
- 1937 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"
1938 is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of
1939 the party listing above; and
- 1940 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
1941 candidate's name, the voting square, and any other necessary information is printed in the same
1942 style and manner as for party candidates.
- 1943 (2) (a) If a municipality is using [~~machine counted~~] ballot sheets or electronic ballots,
1944 the election officer may require that:
- 1945 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary
1946 election consist of several groups of pages or display screens, so that a separate group can be
1947 used to list the names of candidates seeking nomination of each qualified political party, with
1948 additional groups used to list candidates for other nonpartisan offices;
- 1949 (ii) the separate groups of pages or display screens are identified by color or other
1950 suitable means; and
- 1951 (iii) the ballot or ballot label contain instructions that direct the voter how to vote the
1952 ballot.
- 1953 (b) If a municipality is using [~~machine counted~~] ballot sheets or electronic ballots, each
1954 election officer shall:
- 1955 (i) for municipalities using punch card ballots, ensure that the ballot label provides a
1956 [~~square~~] means for the voter to designate the political party in whose primary the voter is
1957 voting; and
- 1958 (ii) determine the order for printing the names of the political parties on the ballot
1959 label.
- 1960 Section 31. Section **20A-6-402** is amended to read:
1961 **20A-6-402. Ballots for municipal general elections.**

1962 (1) [~~Each election officer shall ensure, for~~] When using a paper [ballots] ballot at
 1963 municipal general elections, each election officer shall ensure that:

1964 (a) the names of the two candidates who received the highest number of votes for
 1965 mayor in the municipal primary are placed upon the ballot;

1966 (b) if no municipal primary election was held, the names of the candidates who filed
 1967 declarations of candidacy for municipal offices are placed upon the ballot;

1968 (c) for other offices:

1969 (i) twice the number of candidates as there are positions to be filled are certified as
 1970 eligible for election in the municipal general election from those candidates who received the
 1971 greater number of votes in the primary election; and

1972 (ii) the names of those candidates are placed upon the municipal general election
 1973 ballot;

1974 (d) a write-in area is placed upon the ballot that contains, for each office:

1975 (i) a blank, horizontal line to enable the entry of a valid write-in candidate; and
 1976 (ii) a square or other conforming area that is adjacent to or opposite the blank
 1977 horizontal line to enable the voter to indicate the voter's vote;

1978 [~~(d)~~] (e) propositions submitted to the voters by the municipality are listed on the ballot
 1979 under the heading "City (or Town) Proposition Number ___" with the number of the proposition
 1980 as assigned by the municipal legislative body placed in the blank;

1981 [~~(e)~~] (f) municipal initiatives that have qualified for the ballot are listed on the ballot
 1982 under the heading "Citizen's City (or Town) Initiative Number ___" with the number of the
 1983 municipal initiative as assigned by Section 20A-7-508 placed in the blank;

1984 [~~(f)~~] (g) municipal referenda that have qualified for the ballot are listed on the ballot
 1985 under the heading "Citizen's City (or Town) Referendum Number ___" with the number of the
 1986 municipal referendum as assigned by Section 20A-7-608 placed in the blank; and

1987 [~~(g)~~] (h) bond propositions that have qualified for the ballot are listed on the ballot
 1988 under the title assigned to each bond proposition under Section 11-14-206.

1989 (2) [~~Each~~] When using a punch card ballot at municipal general elections, each election

1990 officer shall ensure that:

1991 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
1992 the top of the ballot;

1993 (ii) the ballot number and the words "[~~Judge's~~] Poll Worker's Initial ____" are printed
1994 on the stub; and

1995 (iii) ballot stubs are numbered consecutively;

1996 (b) immediately below the perforated ballot stub, the following endorsements are
1997 printed in 18-point bold type:

1998 (i) "Official Ballot for ____ (City or Town), Utah";

1999 (ii) the date of the election; and

2000 (iii) a facsimile of the signature of the election officer and the election officer's title in
2001 eight-point type; [~~and~~]

2002 (c) immediately below the election officer's title, two one-point parallel horizontal
2003 rules separate endorsements from the rest of the ballot;

2004 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
2005 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the
2006 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
2007 office." followed by two one-point parallel rules;

2008 (e) after the rules, the designation of the office for which the candidates seek election is
2009 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or
2010 more" are printed to extend to the extreme right of the column in ten-point bold type, followed
2011 by a hair-line rule;

2012 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
2013 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
2014 and grouped according to the office that they seek;

2015 (g) a square with sides not less than 1/4 inch long is printed to the right of the names of
2016 the candidates;

2017 (h) following the name of the last candidate for each office, the ballot contains;

2018 (i) a write-in space for each elective office~~;~~ and] where the voter may enter the name
2019 of a valid write-in candidate; and

2020 (ii) a square printed to the right of the write-in space or line where the voter may vote
2021 for the valid write-in candidate; and

2022 (i) the candidate groups are separated from each other by one light and one heavy line
2023 or rule.

2024 (3) When using a ballot sheet other than a punch card ballot at municipal general
2025 elections, each election officer shall ensure that:

2026 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

2027 (ii) the ballot number and the words "Poll Worker's Initial _____" are printed on the
2028 stub; and

2029 (iii) ballot stubs are numbered consecutively;

2030 (b) immediately below the perforated ballot stub, the following endorsements are
2031 printed:

2032 (i) "Official Ballot for _____ (City or Town), Utah";

2033 (ii) the date of the election; and

2034 (iii) a facsimile of the signature of the election officer and the election officer's title;

2035 (c) immediately below the election officer's title, a distinct border or line separates
2036 endorsements from the rest of the ballot;

2037 (d) immediately below the border or line, an "Instructions to Voters" section is printed
2038 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
2039 candidate(s) for each respective office." followed by another border or line;

2040 (e) after the border or line, the designation of the office for which the candidates seek
2041 election is printed and the words: "Vote for one" or "Vote for two or more" are printed,
2042 followed by a line or border;

2043 (f) after the line or border, the names of the candidates are printed alphabetically
2044 according to surnames with surnames last and grouped according to the office that they seek;

2045 (g) an oval is printed adjacent to the names of the candidates;

- 2046 (h) following the name of the last candidate for each office, the ballot contains:
- 2047 (i) a write-in space or blank line for each elective office where the voter may enter the
- 2048 name of a valid write-in candidate; and
- 2049 (ii) an oval is printed adjacent to the write-in space or line where the voter may vote for
- 2050 the valid write-in candidate; and
- 2051 (i) the candidate groups are separated from each other by a line or border.
- 2052 (4) When using an electronic ballot at municipal general elections, each election officer
- 2053 shall ensure that:
- 2054 (a) the following endorsements are displayed on the first screen of the ballot:
- 2055 (i) "Official Ballot for _____ (City or Town), Utah";
- 2056 (ii) the date of the election; and
- 2057 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 2058 (b) immediately below the election officer's title, a distinct border or line separates the
- 2059 endorsements from the rest of the ballot;
- 2060 (c) immediately below the border or line, an "Instructions to Voters" section is
- 2061 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
- 2062 the candidate(s) for each respective office." followed by another border or line;
- 2063 (d) after the border or line, the designation of the office for which the candidates seek
- 2064 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,
- 2065 followed by a line or border;
- 2066 (e) after the line or border, the names of the candidates are displayed alphabetically
- 2067 according to surnames with surnames last and grouped according to the office that they seek;
- 2068 (f) a square is printed adjacent to the names of the candidates;
- 2069 (g) following the name of the last candidate for each office, the ballot contains a
- 2070 write-in space where the voter may enter the name of and vote for a valid write-in candidate for
- 2071 the office; and
- 2072 (h) the candidate groups are separated from each other by a line or border.
- 2073 [~~3~~] (5) When a municipality has chosen to nominate candidates by convention or

2074 committee, the election officer shall ensure that the party name is included with the candidate's
2075 name on the ballot.

2076 Section 32. Section **20A-9-806** is amended to read:

2077 **20A-9-806. Ballots.**

2078 (1) The lieutenant governor, together with county clerks, suppliers of election
2079 materials, and representatives of registered political parties, shall:

2080 (a) develop paper ballots, ballot labels, ballot [~~cards~~] sheets, electronic ballots, and
2081 provisional ballot envelopes to be used in Utah's Western States Presidential Primary;

2082 (b) ensure that the paper ballots, ballot labels, ballot [~~cards~~] sheets, electronic ballots,
2083 and provisional ballot envelopes comply generally with the requirements of Title 20A, Chapter
2084 6, Part 1, General Requirements for All Ballots; and

2085 (c) provide voting booths, election records and supplies, and ballot boxes for each
2086 voting precinct as required by Section 20A-5-403.

2087 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
2088 Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant
2089 governor, together with county clerks, suppliers of election materials, and representatives of
2090 registered political parties shall ensure that the paper ballots, ballot labels, ballot [~~cards~~] sheets,
2091 electronic ballots, provisional ballot envelopes, and voting booths, election records and
2092 supplies, and ballot boxes:

2093 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

2094 (ii) simplify the task of [~~election judges~~] poll workers, particularly in determining a
2095 voter's party affiliation;

2096 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

2097 (iv) protect against fraud.

2098 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2099 county clerks, suppliers of election materials, and representatives of registered political parties
2100 shall:

2101 (i) mark, prepunch, or otherwise identify ballot [~~cards~~] sheets as being for a particular

2102 registered political party; and

2103 (ii) instruct persons counting the ballots to count only those votes for candidates from
2104 the registered political party whose ballot the voter received.

2105 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2106 county clerks, suppliers of election materials, and representatives of registered political parties
2107 may:

2108 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use
2109 different colored ballot [~~cards~~] sheets for each registered political party;

2110 (ii) place ballot labels or ballots for each registered political party in different voting
2111 booths and direct voters to the particular voting booth for the political party whose ballot they
2112 are voting; or

2113 (iii) consider other means of accomplishing the objectives outlined in Subsection
2114 (2)(a).

2115 Section 33. Section **20A-9-808** is amended to read:

2116 **20A-9-808. Voting.**

2117 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary
2118 shall give his name, the name of the registered political party whose ballot the voter wishes to
2119 vote, and, if requested, his residence, to one of the [~~election judges~~] poll workers.

2120 (b) If [~~an election judge~~] a poll worker does not know the person requesting a ballot
2121 and has reason to doubt that person's identity, the judge shall request identification or have the
2122 voter identified by a known registered voter of the district.

2123 (c) If the person's right to vote is challenged as provided in Section 20A-3-202, the
2124 [~~judge~~] poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

2125 (2) (a) (i) When the voter is properly identified, the [~~election judge~~] poll worker in
2126 charge of the official register shall check the official register to determine:

2127 (A) whether or not the person is registered to vote; and

2128 (B) whether or not the person's party affiliation designation in the official register
2129 allows the voter to vote the ballot that the voter requested.

2130 (ii) If the official register does not affirmatively identify the voter as being affiliated
2131 with a registered political party or if the official register identifies the voter as being
2132 "unaffiliated," the voter shall be considered to be "unaffiliated."

2133 (b) If the voter's name is not found on the official register, the ~~[election judge]~~ poll
2134 worker shall follow the procedures and requirements of Section 20A-3-105.5.

2135 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
2136 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
2137 requested, the ~~[election judge]~~ poll worker shall inform the voter of that fact and inform the
2138 voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

2139 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
2140 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
2141 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
2142 ballot that the voter requests, the ~~[election judge]~~ poll worker shall ask the voter if the voter
2143 wishes to affiliate with the registered political party whose ballot the voter requested, vote
2144 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
2145 remain "unaffiliated."

2146 (B) If the voter wishes to affiliate with the registered political party whose ballot the
2147 voter requested, the ~~[election judge]~~ poll worker shall enter in the official register the voter's
2148 new party affiliation and proceed as required by Subsection (3).

2149 (C) If the voter wishes to vote another registered political party ballot that the
2150 unaffiliated voter is authorized to vote, the ~~[election judge]~~ poll worker shall proceed as
2151 required by Subsection (3).

2152 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
2153 that unaffiliated voters are authorized to vote, the ~~[election judge]~~ poll worker shall instruct the
2154 voter that the voter may not vote.

2155 (3) If the ~~[election judge]~~ poll worker determines that the voter is registered and
2156 eligible, under Subsection (2), to vote the ballot that the voter requested and:

2157 (a) if the ballot is a paper ballot or a ballot sheet:

2158 ~~[(a)]~~ (i) the ~~[election judge]~~ poll worker in charge of the official register shall:

2159 ~~[(i)]~~ (A) write the ballot number and the name of the registered political party whose

2160 ballot the voter voted opposite the name of the voter in the official register; and

2161 ~~[(ii)]~~ (B) direct the voter to sign his name in the election column in the official register;

2162 ~~[(b)]~~ (ii) another ~~[judge]~~ poll worker shall list the ballot number and voter's name in the

2163 pollbook; and

2164 ~~[(c)]~~ (iii) the ~~[election judge]~~ poll worker having charge of the ballots shall:

2165 ~~[(i)]~~ (A) endorse his initials on the stub;

2166 ~~[(ii)]~~ (B) check the name of the voter on the pollbook list with the number of the stub;

2167 ~~[(iii)]~~ (C) hand the voter the ballot for the registered political party that the voter

2168 requested and for which the voter is authorized to vote; and

2169 ~~[(iv)]~~ (D) allow the voter to enter the voting booth~~[-];~~ or

2170 (b) if the ballot is an electronic ballot:

2171 (i) the poll worker in charge of the official register shall direct the voter to sign the

2172 voter's name in the official register;

2173 (ii) another poll worker shall list the voter's name in the pollbook; and

2174 (iii) the poll worker having charge of the ballots shall:

2175 (A) provide the voter access to the electronic ballot for the registered political party

2176 that the voter requested and for which the voter is authorized to vote; and

2177 (B) allow the voter to vote the electronic ballot.

2178 (4) Whenever the election officer is required to furnish more than one kind of official

2179 ballot to the voting precinct, the ~~[election judges]~~ poll workers of that voting precinct shall give

2180 the registered voter the kind of ballot that the voter is qualified to vote.

2181 Section 34. **Repealer.**

2182 This bill repeals:

2183 Section **20A-6-104, Electronic ballots and electronic voting.**

2184 Section 35. **Coordinating H.B. 348 with S.B. 10 -- Technical changes.**

2185 If this H.B. 348 and S.B. 10, Provisional Ballot Amendments, both pass, it is the intent

2186 of the Legislature that the Office of Legislative Research and General Counsel, in preparing the
2187 Utah Code database for publication make the following changes:

2188 (1) change the language in Subsection 20A-3-104.5(1)(c) from "election judge" to "poll
2189 worker";

2190 (2) change the language in Subsection 20A-3-104.5(2)(b)(i) from "judge" to "poll
2191 worker"; and

2192 (3) change the language in Subsection 20A-3-202(4) from "election judge" to "poll
2193 worker".