

VOTING AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaWanna Lou Shurtliff

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Election Code to remove the straight party vote option in elections.

Highlighted Provisions:

This bill:

- modifies the Election Code to remove the option to vote a straight party ticket from the ballot; and
- makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Chapter 105, Laws of Utah 2005

20A-4-102, as last amended by Chapter 177, Laws of Utah 2002

20A-4-105, as last amended by Chapter 56, Laws of Utah 1999

20A-5-302, as last amended by Chapter 5, Laws of Utah 2005, First Special Session

20A-6-301, as last amended by Chapter 105, Laws of Utah 2005

20A-6-303, as last amended by Chapter 105, Laws of Utah 2005



REPEALS:

20A-3-106, as enacted by Chapter 1, Laws of Utah 1993

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

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

20A-1-102. Definitions.

As used in this title:

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

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

(3) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.

(4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

(5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.

(6) "Ballot proposition" means opinion questions specifically authorized by the Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that are submitted to the voters for their approval or rejection.

(7) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(8) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(9) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

(10) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(12) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.

(13) "Convention" means the political party convention at which party officers and delegates are selected.

(14) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(15) "Counting judge" means a judge designated to count the ballots during election day.

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

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

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

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

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

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

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

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

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

(25) "Election officer" means:

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

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

(c) the municipal clerk for all municipal ballots and for certain ballots and elections as

provided in Section 20A-5-400.5;

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

(e) the business administrator or superintendent of a school district for certain ballots or elections as provided in Section 20A-5-400.5.

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

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

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

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

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

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

(32) "Judicial office" means the office filled by any judicial officer.

(33) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(34) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.

(35) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

(36) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(37) "Municipal executive" means:

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

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

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

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

(39) "Municipal legislative body" means:

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

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

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

(40) "Municipal officers" means those municipal officers that are required by law to be elected.

(41) "Municipal primary election" means an election held to nominate candidates for municipal office.

(42) "Official ballot" means the ballots distributed by the election officer to the election judges to be given to voters to record their votes.

(43) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:

(i) the election judge's initials; and

(ii) the ballot number.

(44) "Official register" means the book furnished election officials by the election

officer that contains the information required by Section 20A-5-401.

(45) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record his vote for each office and for or against each ballot proposition.

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

(47) "Polling place" means the building where residents of a voting precinct vote or where absentee voting is conducted.

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

(49) "Posting list" means a list of registered voters within a voting precinct.

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

(51) "Proof of residence" means some official document or form, such as a driver license or utility bill that establishes a person's residence.

(52) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

(54) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

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

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

(57) "Receiving judge" means the election judge that checks the voter's name in the

183 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
184 after the voter has voted.

185 (58) "Registration days" means the days designated in Section 20A-2-203 when a voter
186 may register to vote with a satellite registrar.

187 (59) "Registration form" means a book voter registration form and a by-mail voter
188 registration form.

189 (60) "Regular ballot" means a ballot that is not a provisional ballot.

190 (61) "Regular general election" means the election held throughout the state on the first
191 Tuesday after the first Monday in November of each even-numbered year for the purposes
192 established in Section 20A-1-201.

193 (62) "Regular primary election" means the election on the fourth Tuesday of June of
194 each even-numbered year, at which candidates of political parties and nonpolitical groups are
195 voted for nomination.

196 (63) "Resident" means a person who resides within a specific voting precinct in Utah.

197 (64) "Sample ballot" means a mock ballot similar in form to the official ballot printed
198 and distributed as provided in Section 20A-5-405.

199 (65) "Satellite registrar" means a person appointed under Section 20A-5-201 to register
200 voters and perform other duties.

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

203 [(67)] (66) "Secrecy envelope" means the envelope given to a voter along with the
204 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
205 of the voter's vote.

206 [(68)] (67) "Special district" means those local government entities created under the
207 authority of Title 17A.

208 [(69)] (68) "Special district officers" means those special district officers that are
209 required by law to be elected.

210 [(70)] (69) "Special election" means an election held as authorized by Section
211 20A-1-204.

212 [(71)] (70) "Spoiled ballot" means each ballot that:

213 (a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or the election judge; or
(c) lacks the official endorsement.

~~[(72)]~~ (71) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

~~[(73)]~~ (72) "Stub" means the detachable part of each ballot.

~~[(74)]~~ (73) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.

~~[(75)]~~ (74) "Ticket" means each list of candidates for each political party or for each group of petitioners.

~~[(76)]~~ (75) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(77)]~~ (76) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

~~[(78)]~~ (77) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

~~[(79)]~~ (78) "Voter" means a person who meets the requirements for voting in an election, meets the requirements of election registration, is registered to vote, and is listed in the official register book.

~~[(80)]~~ (79) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

~~[(81)]~~ (80) "Voting booth" means the space or compartment within a polling place that is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

~~[(82)]~~ (81) "Voting device" means:

(a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance; or

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

~~[(83)]~~ (82) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

[~~(84)~~] (83) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

[~~(85)~~] (84) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

[~~(86)~~] (85) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting poll watcher.

[~~(87)~~] (86) "Western States Presidential Primary" means the election established in Title 20A, Chapter 9, Part 8.

[~~(88)~~] (87) "Write-in ballot" means a ballot containing any write-in votes.

[~~(89)~~] (88) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section 2. Section **20A-4-102** is amended to read:

20A-4-102. Counting paper ballots after the polls close.

(1) (a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

(b) The election judges shall apply the standards and requirements of Section 20A-4-105 to resolve any questions that arise as they count the ballots.

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.

(c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.

(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.

(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.

(3) The judges shall:

(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and

(b) seal that envelope or container.

(4) The judges shall:

(a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and

(b) seal that envelope or container.

(5) (a) In counting the votes, the election judges shall read and count each ballot separately.

(b) In regular primary elections the judges shall:

(i) count the number of ballots cast for each party;

(ii) place the ballots cast for each party in separate piles; and

(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.

(6) (a) In all elections, the counting judges shall:

(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;

~~[(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;]~~

~~[(iii)]~~ (ii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

~~[(iv)]~~ (iii) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;

~~[(v)]~~ (iv) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;

~~[(vi)]~~ (v) write the word "spoiled" on the back of each ballot that lacks the official

endorsement and deposit it in the spoiled ballot envelope; and

~~[(vii)]~~ (vi) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.

(b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

(d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.

(7) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

Section 3. Section **20A-4-105** is amended to read:

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

(1) Each person counting ballots shall apply the standards and requirements of this section to resolve any questions that arise as ballots are counted.

(2) Except as provided in Subsection ~~[(11)]~~ (10), if a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the choice of any voter for any office to be filled, the counter may not count that voter's ballot for that office.

(3) The counter shall count a defective or incomplete mark on any paper ballot if:

(a) it is in the proper place; and

(b) there is no other mark or cross on the paper ballot indicating the voter's intent to vote other than as indicated by the defective mark.

~~[(4) (a) When the voter has marked the ballot so that it appears that the voter has voted more than one straight ticket, the election judges may not count any votes for party candidates.]~~

~~[(b) The election judges shall count the remainder of the ballot if it is voted correctly.]~~

~~[(5)]~~ (4) A counter may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot or group of ballots show an intent by a person or group to mark their ballots so that their ballots can be identified.

~~[(6)]~~ (5) (a) In counting the ballots, the counters shall give full consideration to the

intent of the voter.

(b) The counters may not invalidate a ballot because of mechanical and technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3, Voting.

~~[(7)]~~ (6) The counters may not reject a ballot because of any error in:

(a) stamping or writing any official endorsement; or

(b) delivering the wrong ballots to any polling place.

~~[(8)]~~ (7) The counter may not count any paper ballot that does not have the official endorsement by an election officer.

~~[(9)]~~ (8) If the counter discovers that the name of a candidate voted for is misspelled or that the initial letters of a candidate's given name are transposed or omitted in part or altogether, the counter shall count the voter's vote for that candidate if it is apparent that the voter intended to vote for that candidate.

~~[(10)]~~ (9) The counter shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.

~~[(11)]~~ (10) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter.

Section 4. Section **20A-5-302** is amended to read:

20A-5-302. Automated voting system.

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

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

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

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

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

(ii) permit each voter at any election to:

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

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

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

(iii) permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and for their presidential electors;

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

~~[(v) permit each voter to scratch vote;]~~

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

~~[(vii)]~~ (v) at primary elections:

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

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

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

~~[(ix)]~~ (vii) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;

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

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

~~[(xii)]~~ (x) when properly operated, record correctly and count accurately each vote cast;

~~[(xiii)]~~ (xi) for voting equipment certified after January 1, 2005, produce a permanent paper record that:

(A) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;

(B) (I) shall be available for the voter's inspection prior to the voter leaving the polling place; and

(II) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are

available at the time of certification of the voting equipment by the lieutenant governor;

(C) shall include, at a minimum, human readable printing that shows a record of the voter's selections;

(D) may also include machine readable printing which may be the same as the human readable printing; and

(E) allows voting poll watchers and counting poll watchers to observe the election process to ensure its integrity; and

~~[(xiv)]~~ (xii) meet the requirements of Section 20A-5-402.5.

(b) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

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

Section 5. Section **20A-6-301** is amended to read:

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

(1) Each election officer shall ensure that:

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

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

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

(iii) ballot stubs are numbered consecutively;

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

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

(ii) the date of the election; and

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

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

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

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

~~[(f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;]~~

~~[(g)]~~ (f) unaffiliated candidates and candidates not affiliated with a registered political party are listed in one column, ~~[without a party circle;]~~ with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";

~~[(h)]~~ (g) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

~~[(i)]~~ (h) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

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

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

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

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

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

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

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

[~~(c)~~] (n) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates.

(2) Each election officer shall ensure that:

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

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

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

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

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

(d) the ballots contain no other names.

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

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

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

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

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

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

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

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

(h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by

493 a lottery conducted by the county clerk; and

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

497 (4) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

(1) Each election officer shall ensure that:

(a) copy on the ballot labels are arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

(c) if pages are used, the pages placed on the voting device are of sufficient number to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

~~[(d) the ballot labels include a voting square or position where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch;]~~

~~[(e)]~~ (d) the tickets are printed on the ballot label in the order determined by the county clerk;

~~[(f)]~~ (e) the office titles are printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

~~[(g)]~~ (f) the party designation of each candidate is printed to the right or below the candidate's name; and

~~[(h)]~~ (g) (i) if possible, all candidates for one office are grouped in one column or upon one page;

(ii) if all candidates for one office cannot be listed in one column or grouped upon one page:

(A) the ballot label is clearly marked to indicate that the list of candidates is continued on the following column or page; and

(B) approximately the same number of names are printed in each column or on each page; and

~~[(i)]~~ (h) arrows are used to indicate the place to vote for each candidate and on each measure.

(2) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot label under

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

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

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

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

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

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

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

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

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

Section 7. Repealer.

This bill repeals:

Section 20A-3-106, Voting straight ticket -- Splitting ballot -- Writing in names -- Effect of unnecessary marking of cross.

Legislative Review Note
as of 12-5-05 7:55 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0231

Voting Amendments

16-Jan-06
7:52 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst