

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

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Douglas C. Aagard**

6 Senate Sponsor: Sheldon L. Killpack

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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



- 28 center;
- 29 ▶ provides that poll workers delivering election returns shall be paid reasonable
30 compensation for mileage for a round trip rather than a designated sum per mile one
31 way;
- 32 ▶ permits electronic transmission of unofficial poll results to counting centers if
33 security measures are taken;
- 34 ▶ modifies the date for delivery of election returns so returns are always available
35 before the state canvass;
- 36 ▶ modifies formatting and content requirements for the official register;
- 37 ▶ modifies ballot delivery time lines;
- 38 ▶ requires election officials to correct or post notice of errors discovered in electronic
39 ballots at each voting booth;
- 40 ▶ requires election officials to provide paper ballots and ballot sheets in an amount
41 sufficient to meet voting needs during an election;
- 42 ▶ provides procedures for delivery of voting equipment to polling places and requires
43 that receipts be issued when voting devices are delivered to poll workers;
- 44 ▶ requires that voting devices be repaired or substituted if voting devices contain
45 incorrect ballot information, are not functioning properly, appear to have been
46 tampered with, or other similar circumstances;
- 47 ▶ permits the election officer to determine the time that poll workers arrive at the
48 polling place;
- 49 ▶ permits the election officer to designate which poll workers will act as election
50 judges and to designate a presiding judge;
- 51 ▶ removes a requirement that election returns must be returned to the election officer
52 by two persons of a different political party;
- 53 ▶ provides a criminal penalty for intentionally or knowingly damaging, modifying,
54 tampering with, or destroying voting devices or equipment;
- 55 ▶ provides ballot formatting requirements and ballot preparation procedures for
56 machine-readable ballot sheets;
- 57 ▶ provides ballot formatting requirements and ballot preparation procedures for
58 electronic ballots; and

59 ▶ makes technical changes.

60 **Monies Appropriated in this Bill:**

61 None

62 **Other Special Clauses:**

63 None

64 **Utah Code Sections Affected:**

65 **AMENDS:**

66 **20A-1-102**, as last amended by Chapter 105, Laws of Utah 2005

67 **20A-2-202**, as last amended by Chapter 117, Laws of Utah 2003

68 **20A-2-204**, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997

69 **20A-2-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

70 **20A-3-104**, as last amended by Chapter 37, Laws of Utah 2003

71 **20A-3-104.5**, as last amended by Chapter 159, Laws of Utah 2003

72 **20A-3-105**, as last amended by Chapter 177, Laws of Utah 2002

73 **20A-3-106**, as enacted by Chapter 1, Laws of Utah 1993

74 **20A-3-201**, as last amended by Chapter 22, Laws of Utah 1999

75 **20A-3-202**, as last amended by Chapter 105, Laws of Utah 2005

76 **20A-3-303**, as enacted by Chapter 1, Laws of Utah 1993

77 **20A-4-103**, as last amended by Chapter 177, Laws of Utah 2002

78 **20A-4-104**, as last amended by Chapter 177, Laws of Utah 2002

79 **20A-4-201**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

80 **20A-4-304**, as last amended by Chapter 11, Laws of Utah 2002, Fifth Special Session

81 **20A-5-202**, as last amended by Chapter 45, Laws of Utah 1999

82 **20A-5-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

83 **20A-5-401**, as last amended by Chapter 105, Laws of Utah 2005

84 **20A-5-403**, as last amended by Chapter 24, Laws of Utah 2004

85 **20A-5-405**, as last amended by Chapter 340, Laws of Utah 1995

86 **20A-5-406**, as last amended by Chapter 340, Laws of Utah 1995

87 **20A-5-605**, as last amended by Chapter 282, Laws of Utah 1998

88 **20A-6-102**, as enacted by Chapter 2, Laws of Utah 1994

89 **20A-6-203**, as enacted by Chapter 328, Laws of Utah 2000

- 90 **20A-6-301**, as last amended by Chapter 105, Laws of Utah 2005
- 91 **20A-6-302**, as last amended by Chapter 241, Laws of Utah 2001
- 92 **20A-6-303**, as last amended by Chapter 105, Laws of Utah 2005
- 93 **20A-6-401.1**, as enacted by Chapter 328, Laws of Utah 2000
- 94 **20A-6-402**, as last amended by Chapter 105, Laws of Utah 2005
- 95 **20A-9-806**, as last amended by Chapter 177, Laws of Utah 2002
- 96 **20A-9-808**, as last amended by Chapter 117, Laws of Utah 2003

97 ENACTS:

- 98 **20A-5-706**, Utah Code Annotated 1953
- 99 **20A-6-304**, Utah Code Annotated 1953

100 REPEALS:

- 101 **20A-6-104**, as enacted by Chapter 313, Laws of Utah 2001



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

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

105 **20A-1-102. Definitions.**

106 As used in this title:

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

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

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

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

115 (a) means a ballot that:

116 (i) consists of paper or a card where the voter's votes are marked or recorded; and

117 (ii) can be counted using automatic tabulating equipment[-]; and

118 (b) includes punch card ballots, and other ballots that are machine-countable.

119 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
120 contain the names of offices and candidates and statements of ballot propositions to be voted

121 on and which are used in conjunction with ballot [~~cards~~] sheets that do not display that
122 information.

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

126 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
127 20A-4-306 to canvass election returns.

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

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

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

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

136 (12) "Canvassing judge" means [~~an election judge~~] a poll worker designated to assist in
137 counting ballots at the canvass.

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

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

142 (15) "Counting judge" means a [~~judge~~] poll worker designated to count the ballots
143 during election day.

144 (16) "Counting poll watcher" means a person selected as provided in Section
145 20A-3-201 to witness the counting of ballots.

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

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

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

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

152 elected.

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

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

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

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

162 (25) "Election officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

190 [~~(32)~~] (33) "Judicial office" means the office filled by any judicial officer.

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

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

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

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

200 [~~(37)~~] (38) "Municipal executive" means:

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

203 (b) the mayor in the council-mayor optional form of government defined in Section
204 10-3-101; and

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

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

210 [~~(39)~~] (40) "Municipal legislative body" means:

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

213 (b) the municipal council in the council-mayor optional form of government defined in

214 Section 10-3-101; and

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

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

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

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

223 [~~(43)~~] (44) "Official endorsement" means:

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

225 (i) the ballot as an official ballot;

226 (ii) the date of the election; and

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

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

229 (i) the [~~election judge's~~] poll worker's initials; and

230 (ii) the ballot number.

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

233 [~~(45)~~] (46) "Paper ballot" means a paper that contains:

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

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

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

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

243 (b) "Poll worker" includes election judges.

244 (c) "Poll worker" does not include a watcher.

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

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

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

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

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

254 [(51)] (53) "Proof of residence" means some official document or form, such as a
255 driver license or utility bill that establishes a person's residence.

256 [(52)] (54) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

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

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

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

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

275 [(60)] (62) "Regular ballot" means a ballot that is not a provisional ballot.

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

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

282 [(63)] (65) "Resident" means a person who resides within a specific voting precinct in
283 Utah.

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

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

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

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

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

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

298 [(70)] (72) "Special election" means an election held as authorized by Section
299 20A-1-204.

300 [(71)] (73) "Spoiled ballot" means each ballot that:

301 (a) is spoiled by the voter;

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

304 (c) lacks the official endorsement.

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

- 307 [~~(73)~~] (75) "Stub" means the detachable part of each ballot.
- 308 [~~(74)~~] (76) "Substitute ballots" means replacement ballots provided by an election
309 officer to the [~~election judges~~] poll workers when the official ballots are lost or stolen.
- 310 [~~(75)~~] (77) "Ticket" means each list of candidates for each political party or for each
311 group of petitioners.
- 312 [~~(76)~~] (78) "Transfer case" means the sealed box used to transport voted ballots to the
313 counting center.
- 314 [~~(77)~~] (79) "Vacancy" means the absence of a person to serve in any position created
315 by statute, whether that absence occurs because of death, disability, disqualification,
316 resignation, or other cause.
- 317 [~~(78)~~] (80) "Valid write-in candidate" means a candidate who has qualified as a
318 write-in candidate by following the procedures and requirements of this title.
- 319 [~~(79)~~] (81) "Voter" means a person who meets the requirements for voting in an
320 election, meets the requirements of election registration, is registered to vote, and is listed in
321 the official register book.
- 322 [~~(80)~~] (82) "Voting area" means the area within six feet of the voting booths, voting
323 machines, and ballot box.
- 324 [~~(81)~~] (83) "Voting booth" means:
- 325 (a) the space or compartment within a polling place that is provided for the preparation
326 of ballots [~~and includes~~], including the voting machine enclosure or curtain[-]; or
- 327 (b) a voting device that is free standing.
- 328 [~~(82)~~] (84) "Voting device" means:
- 329 (a) an apparatus in which ballot [~~cards~~] sheets are used in connection with a punch
330 device for piercing the ballots by the voter;
- 331 (b) a device for marking the ballots with ink or another substance; [~~or~~]
- 332 (c) a device used to make selections and cast a ballot electronically, or any component
333 thereof;
- 334 (d) an automated voting system under Section 20A-5-302; or
- 335 [~~(c)~~] (e) any other method for recording votes on ballots so that the ballot may be
336 tabulated by means of automatic tabulating equipment.
- 337 [~~(83)~~] (85) "Voting machine" means a machine designed for the sole purpose of

338 recording and tabulating votes cast by voters at an election.

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

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

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

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

347 [(88)] (90) "Write-in ballot" means a ballot containing any write-in votes.

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

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

351 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

386 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

392 (3) The Driver License Division shall:

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

395 (b) accept completed forms for transmittal to the appropriate election official;

396 (c) transmit a copy of each voter registration form to the appropriate election official
397 within five days after it is received by the division;

398 (d) transmit each address change within five days after it is received by the division;

399 and

400 (e) transmit electronically to the lieutenant governor's office the name, address, birth
401 date, and driver license number of each person who answers "yes" to the question on the driver
402 license form about registering to vote.

403 (4) Upon receipt of a correctly completed voter registration form, the county clerk
404 shall:

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

407 (b) notify the applicant of registration.

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

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

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

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

415 (i) process the voter registration forms; and

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

417 (6) If the county clerk determines that a voter registration form received from the
418 Driver License Division is incorrect because of an error or because it is incomplete, the county
419 clerk shall mail notice to the person attempting to register, informing him that he has not been
420 registered because of an error or because the form is incomplete.

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

422 **20A-2-205. Registration at voter registration agencies.**

423 (1) As used in this section:

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

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

427 (i) public assistance; or

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

430 (2) Any person may obtain and complete a by-mail registration form at a public

431 assistance agency or discretionary voter registration agency.

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

435 "REGISTERING TO VOTE

436 If you are not registered to vote where you live now, would you like to apply to register
437 to vote here today? (Applying to register to vote or declining to register to vote will not affect
438 the amount of assistance that you will be provided by this agency.) Yes____ No____ IF YOU
439 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
440 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
441 voter registration application form, we will help you. The decision about whether or not to
442 seek or accept help is yours. You may fill out the application form in private. If you believe
443 that someone has interfered with your right to register or to decline to register to vote, your
444 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
445 right to choose your own political party or other political preference, you may file a complaint
446 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
447 84114. (801) 538-1040."

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

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

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

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

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

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

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

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

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

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

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

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

471 (b) notify the applicant of registration.

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

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

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

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

479 (i) process the voter registration forms; and

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

481 (8) If the county clerk determines that a voter registration form received from a public
482 assistance agency or discretionary voter registration agency is incorrect because of an error or
483 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
484 informing him that he has not been registered because of an error or because the form is
485 incomplete.

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

487 **20A-3-104. Manner of voting.**

488 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his
489 residence, to one of the [~~election judges~~] poll workers.

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

493 (c) If the voter is voting for the first time in the jurisdiction or is otherwise required to
494 present proof of identity or proof of residence as indicated by a notation in the official register,
495 the ~~[election judge]~~ poll worker shall request proof of identity or proof of residence from the
496 voter.

497 (d) If the ~~[election judge]~~ poll worker is satisfied that the voter has established proof of
498 identity and proof of residence, the ~~[election judge]~~ poll worker shall:

499 (i) record the type of proof of identity or proof of residence provided by the voter in the
500 appropriate space in the official register; and

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

502 (e) If the ~~[election judge]~~ poll worker is not satisfied that the voter has established
503 proof of identity or proof of residence, the ~~[election judge]~~ poll worker shall:

504 (i) indicate on the official register that the voter failed to provide adequate proof of
505 identity or proof of residence;

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

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

508 (f) If the person's right to vote is challenged as provided in Section 20A-3-202, the
509 ~~[judge]~~ poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

510 (2) (a) When the voter is properly identified, the ~~[election judge]~~ poll worker in charge
511 of the official register shall check the official register to determine whether or not the person is
512 registered to vote.

513 (b) If the voter's name is not found on the official register, the ~~[election judge]~~ poll
514 worker shall follow the procedures and requirements of Section 20A-3-105.5.

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

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

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

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

519 and

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

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

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

- 524 [(i)] (A) endorse his initials on the stub;
- 525 [(ii)] (B) check the name of the voter on the pollbook list with the number of the stub;
- 526 [(iii)] (C) hand the voter a ballot; and
- 527 [(iv)] (D) allow the voter to enter the voting booth[-]; or
- 528 (b) if the ballot is an electronic ballot:
- 529 (i) the poll worker in charge of the official register shall direct the voter to sign the
- 530 voter's name in the official register;
- 531 (ii) another poll worker shall list the voter's name in the pollbook; and
- 532 (iii) the poll worker having charge of the ballots shall:
- 533 (A) provide the voter access to the electronic ballot; and
- 534 (B) allow the voter to vote the electronic ballot.
- 535 (4) Whenever the election officer is required to furnish more than one kind of official
- 536 ballot to the voting precinct, the ~~[election judges]~~ poll workers of that voting precinct shall give
- 537 the registered voter the kind of ballot that the voter is qualified to vote.
- 538 Section 6. Section **20A-3-104.5** is amended to read:
- 539 **20A-3-104.5. Voting -- Regular primary election.**
- 540 (1) (a) Any registered voter desiring to vote at the regular primary election shall give
- 541 his name, the name of the registered political party whose ballot the voter wishes to vote, and,
- 542 if requested, his residence, to one of the ~~[election judges]~~ poll workers.
- 543 (b) If ~~[an election judge]~~ a poll worker does not know the person requesting a ballot
- 544 and has reason to doubt that person's identity, the ~~[judge]~~ poll worker shall request
- 545 identification or have the voter identified by a known registered voter of the district.
- 546 (c) If the voter is challenged as provided in Section 20A-3-202, the ~~[judge]~~ poll worker
- 547 shall provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are
- 548 false.
- 549 (2) (a) (i) When the voter is properly identified, the ~~[election judge]~~ poll worker in
- 550 charge of the official register shall check the official register to determine:
- 551 (A) whether or not the person is registered to vote; and
- 552 (B) whether or not the person's party affiliation designation in the official register
- 553 allows the voter to vote the ballot that the voter requested.
- 554 (ii) If the official register does not affirmatively identify the voter as being affiliated

555 with a registered political party or if the official register identifies the voter as being
556 "unaffiliated," the voter shall be considered to be "unaffiliated."

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

560 (ii) If oral verification is received from the county clerk's office, the ~~[judge]~~ poll
561 worker shall record the verification on the official register, determine the voter's party
562 affiliation and the ballot that the voter is qualified to vote, and perform the other administrative
563 steps required by Subsection (3).

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

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

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

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

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

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

585 (B) If the voter wishes to affiliate with the registered political party whose ballot the

586 voter requested, the ~~[election judge]~~ poll worker shall direct the voter to complete the change
587 of party affiliation form and proceed as required by Subsection (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

621 **20A-3-105. Marking and depositing ballots.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

647 (b) The voter shall record a write-in vote by:

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

679 ~~[(d) (i)]~~ (iv) (A) ~~[The election judge]~~ A poll worker may not accept a ballot from which
680 the stub has been detached.

681 ~~[(ii)]~~ (B) ~~[The election judge]~~ A poll worker shall treat a ballot from which the stub has
682 been detached as a spoiled ballot and shall provide the voter with a new ballot and dispose of
683 the spoiled ballot as provided in Section 20A-3-107[-];

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

685 (i) the voter shall:

686 (A) leave the voting booth; and

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

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

689 (A) clearly and audibly announce the name of the voter and the number on the stub of
690 the voter's ballot; and

691 (B) if the stub number on the ballot corresponds with the number previously recorded
692 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
693 and

694 (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the
695 ballot in the ballot box; and

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

697 (i) cast the voter's ballot;

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

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

700 ~~[(4)]~~ (6) A voter voting a paper ballot in a regular primary election shall, after marking
701 the ballot:

702 (a) (i) if the ballot is designed so that the names of all candidates for all political parties
703 are on the same ballot, detach the part of the paper ballot containing the names of the
704 candidates of the party he has voted from the remainder of the paper ballot;

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

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

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

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

710 box.

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

713 (b) A voter may not:

714 (i) occupy a voting booth occupied by another, except as provided in Section
715 20A-3-108;

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

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

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

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

724 (a) election officials;

725 (b) watchers; or

726 (c) assisting voters with a disability.

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

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

730 (1) When voting a paper ballot, any voter desiring to vote for all the candidates from
731 any one registered political party may:

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

733 (b) mark in the squares or position opposite the names of all candidates for that party
734 ticket; or

735 (c) make both markings.

736 (2) (a) When voting a ballot ~~[card]~~ sheet, any voter desiring to vote for all the
737 candidates from any one registered political party may:

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

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

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

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

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

745 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the
746 candidates from any one registered political party may:

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

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

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

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

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

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

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

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

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

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

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

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

771 ~~[(e) A]~~ (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the

772 person whose name is written or whose sticker appears in the blank write-in part of the ballot,
773 [~~whether~~] if a mark is made [~~or is not made~~] opposite that name.

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

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

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

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

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

781 **20A-3-201. Watchers.**

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

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

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

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

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

803 observe the securing of ballot packages.

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

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

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

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

814 (4) The counting poll watcher shall remain in the counting room, except in the case of
815 necessity, until the close of the polls and may not divulge the progress of the count until the
816 count is completed.

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

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

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

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

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

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

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

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

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

835 **20A-3-202. Challenges -- Recorded in official register and in pollbook.**

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

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

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

843 (ii) the voter is not a resident of Utah;

844 (iii) the voter is not a citizen of the United States;

845 (iv) the voter has not or will not have resided in Utah for 30 days immediately before
846 the date of the election;

847 (v) the voter does not live in the voting precinct;

848 (vi) the voter does not live within the geographic boundaries of the entity holding the
849 election;

850 (vii) the voter's principal place of residence is not in the voting precinct;

851 (viii) the voter's principal place of residence is not in the geographic boundaries of the
852 election area;

853 (ix) the voter has voted before in the election;

854 (x) the voter is not at least 18 years old;

855 (xi) the voter is involuntarily confined or incarcerated in jail or prison and was not a
856 resident of the entity holding the election before the voter was confined or incarcerated;

857 (xii) the voter is a convicted felon and is incarcerated for the commission of a felony;

858 or

859 (xiii) in a regular primary election, the voter does not meet the political party affiliation
860 criteria established by the political party whose ballot the voter seeks to vote.

861 (2) (a) The [~~election judges~~] poll workers shall give the voter a ballot and allow the
862 voter to vote if:

863 (i) the person challenged signs a written affidavit certifying that he meets all the
864 requirements for voting; and

865 (ii) the ~~[election judge]~~ poll worker determines that the person challenged is registered
866 to vote and, in a regular primary election, meets the political party affiliation criteria
867 established by the political party whose ballot the voter seeks to vote.

868 (b) The ~~[election judges]~~ poll workers may not give the voter a ballot or allow the voter
869 to vote if:

870 (i) the person challenged refuses to sign the written affidavit; or

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

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

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

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

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

885 (c) The county clerk shall:

886 (i) carefully preserve the written challenges;

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

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

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

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

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

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

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

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

906 **20A-3-303. Form of absentee ballot.**

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

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

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

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

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

917 **20A-4-103. Preparing ballot cards for the counting center.**

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

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

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

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

926 (b) seal that envelope or container.

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

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

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

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

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

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

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

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

941 **20A-4-104. Counting ballots electronically.**

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

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

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

950 (d) The election officer shall ensure that:

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

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

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

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

960 (f) The election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

987 (4) The election officer may:

988 (a) conduct an unofficial count before conducting the official count in order to provide

989 early unofficial returns to the public;

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

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

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

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

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

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

998 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
999 more votes for an office than that voter is entitled to vote for that office, the ~~[judges]~~ poll
1000 workers shall count the valid write-in vote as being the obvious intent of the voter.

1001 (7) (a) The election officer shall certify the return printed by the automatic tabulating
1002 equipment, to which have been added write-in and absentee votes, as the official return of each
1003 voting precinct.

1004 (b) Upon completion of the count, the election officer shall make official returns open
1005 to the public.

1006 (8) If for any reason it becomes impracticable to count all or a part of the ballot ~~[cards]~~
1007 sheets with tabulating equipment, the election officer may direct that they be counted manually
1008 according to the procedures and requirements of this part.

1009 (9) After the count is completed, the election officer shall seal and retain the programs,
1010 test materials, and ballots as provided in Section 20A-4-202.

1011 Section 14. Section **20A-4-201** is amended to read:

1012 **20A-4-201. Delivery of election returns.**

1013 (1) One ~~[judge]~~ poll worker shall deliver the ballot box, the lock, and the key to:

1014 (a) the election officer; or

1015 (b) the location directed by the election officer.

1016 (2) (a) Before they adjourn, the ~~[election judges]~~ poll workers shall~~[-(i) for paper~~
1017 ~~ballots,]~~ choose one or more of their number to deliver the election returns to the election
1018 officer~~[-and].~~

1019 ~~[(ii) for ballot cards, choose two of their number, each from a different political party,~~

1020 ~~to deliver the election returns to the counting center.]~~

1021 (b) That ~~[judge]~~ poll worker or those ~~[judges]~~ poll workers shall:

1022 (i) deliver the unopened envelopes or pouches to the election officer or counting center
1023 immediately but no later than 24 hours after the polls close; or

1024 (ii) if the polling place is 15 miles or more from the county seat, mail the election
1025 returns to the election officer by registered mail from the post office most convenient to the
1026 polling place within 24 hours after the polls close.

1027 (3) The election officer shall pay each ~~[election judge that transports election returns \$2~~
1028 ~~plus 30 cents per mile, one way, for every mile necessarily traveled between the polling place~~
1029 ~~and the place of delivery.]~~ poll worker reasonable compensation for travel that is necessary to
1030 deliver the election returns and to return to the polling place.

1031 (4) The requirements of this section shall not prohibit transmission of the unofficial
1032 vote count to the counting center via electronic means, provided that reasonable security
1033 measures are taken to preserve the integrity and privacy of the transmission.

1034 Section 15. Section **20A-4-304** is amended to read:

1035 **20A-4-304. Declaration of results -- Canvassers' report.**

1036 (1) Each board of canvassers shall:

1037 (a) declare "elected" or "nominated" those persons who:

1038 (i) had the highest number of votes; and

1039 (ii) sought election or nomination to an office completely within the board's
1040 jurisdiction;

1041 (b) declare:

1042 (i) "approved" those ballot propositions that:

1043 (A) had more "yes" votes than "no" votes; and

1044 (B) were submitted only to the voters within the board's jurisdiction;

1045 (ii) "rejected" those ballot propositions that:

1046 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
1047 votes; and

1048 (B) were submitted only to the voters within the board's jurisdiction;

1049 (c) certify the vote totals for persons and for and against ballot propositions that were
1050 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to

- 1051 the lieutenant governor; and
- 1052 (d) if applicable, certify the results of each special district election to the special district
1053 clerk.
- 1054 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
1055 result, which shall contain:
- 1056 (i) the total number of votes cast in the board's jurisdiction;
- 1057 (ii) the names of each candidate whose name appeared on the ballot;
- 1058 (iii) the title of each ballot proposition that appeared on the ballot;
- 1059 (iv) each office that appeared on the ballot;
- 1060 (v) from each voting precinct:
- 1061 (A) the number of votes for each candidate; and
- 1062 (B) the number of votes for and against each ballot proposition;
- 1063 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
1064 for and against each ballot proposition; and
- 1065 (vii) a statement certifying that the information contained in the report is accurate.
- 1066 (b) The election officer and the board of canvassers shall:
- 1067 (i) review the report to ensure that it is correct; and
- 1068 (ii) sign the report.
- 1069 (c) The election officer shall:
- 1070 (i) record or file the certified report in a book kept for that purpose;
- 1071 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
1072 to each nominated or elected candidate;
- 1073 (iii) publish a copy of the certified report in a newspaper with general circulation in the
1074 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and
- 1075 (iv) file a copy of the certified report with the lieutenant governor.
- 1076 (3) When there has been a regular general or a statewide special election for statewide
1077 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
1078 or more county ballot proposition, each board of canvassers shall:
- 1079 (a) prepare a separate report detailing the number of votes for each candidate and the
1080 number of votes for and against each ballot proposition; and
- 1081 (b) transmit it by registered mail to the lieutenant governor.

1082 (4) In each county election, municipal election, school election, special district
1083 election, and local special election, the election officer shall transmit the reports to the
1084 lieutenant governor within 14 days ~~[of the canvass]~~ after the date of the election.

1085 (5) In regular primary elections and in the Western States Presidential Primary, the
1086 board shall transmit to the lieutenant governor:

1087 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
1088 governor:

1089 (i) not later than the second Tuesday after the primary election for the regular primary
1090 election; and

1091 (ii) not later than the Friday after the election for the Western States Presidential
1092 Primary; and

1093 (b) a complete tabulation showing voting totals for all primary races, precinct by
1094 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
1095 primary election.

1096 Section 16. Section **20A-5-202** is amended to read:

1097 **20A-5-202. Satellite registrars -- Duties.**

1098 (1) Satellite registrars may administer oaths and affirmations and perform all other acts
1099 that are necessary to fully accomplish the requirements of this part.

1100 (2) On the dates and at the times provided in Section 20A-2-203, a satellite registrar
1101 shall register to vote each person who is legally qualified and entitled to vote in that county on
1102 election day.

1103 (3) Each satellite registrar shall:

1104 (a) provide voter registration applications for interested citizens;

1105 (b) have maps available for determining precinct locations;

1106 (c) assist citizens in completing the voter registration form;

1107 (d) review completed voter registration forms to ensure that they are accurate and that
1108 the applicant meets eligibility requirements;

1109 (e) return the official proof of registration form to the voter; and

1110 (f) deliver completed registration forms to the county clerk.

1111 (4) The county clerk shall:

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

1113 addendum of new voters for the official register [~~and posting list~~]; and

1114 (b) before election day, deliver the official register [~~, posting list,~~] and addendum, if
1115 any, to the [~~election judges~~] poll workers of each voting precinct.

1116 (5) During the time voter registration is being held, satellite registrars may not display
1117 any political signs, posters, or other designations of support for candidates, issues, or political
1118 parties on the premises.

1119 Section 17. Section **20A-5-205** is amended to read:

1120 **20A-5-205. Delivery of official register.**

1121 (1) Before delivering the official register to the [~~election judges~~] poll workers, the
1122 county clerk shall attach the certificate required by law to the book.

1123 (2) The county clerk shall deliver the official register [~~and the posting list~~], its accuracy
1124 verified by [~~his~~] the county clerk's signature, to [~~an election judge~~] a poll worker in each voting
1125 precinct by noon on the day before the election.

1126 Section 18. Section **20A-5-401** is amended to read:

1127 **20A-5-401. Official register -- Preparation -- Contents.**

1128 (1) (a) Before the registration days for each regular general, municipal general, regular
1129 primary, municipal primary, or Western States Presidential Primary election, each county clerk
1130 shall prepare an official register [~~and posting list~~] of voters for each voting precinct that will
1131 participate in the election.

1132 (b) The county clerk shall ensure that the official register [~~and posting list are bound or~~
1133 ~~loose leaf books~~] is prepared for the alphabetical entry of names and [~~ruled in columns of~~
1134 ~~suitable dimensions~~] contains entry fields to provide for the following [~~entries~~] information:

- 1135 (i) registered voter's name;
- 1136 (ii) party affiliation;
- 1137 (iii) grounds for challenge;
- 1138 (iv) name of person challenging a voter;
- 1139 (v) [~~ballot numbers,~~] primary, November, special;
- 1140 (vi) date of birth;
- 1141 (vii) place of birth;
- 1142 (viii) place of current residence;
- 1143 (ix) street address;

- 1144 (x) zip code; and
- 1145 (xi) space for the voter to sign his name for each election.
- 1146 (c) When preparing the official register [~~and posting list~~] for the Western States
- 1147 Presidential Primary, the county clerk shall include:
- 1148 (i) [~~a column~~] an entry field to record the name of the political party whose ballot the
- 1149 voter voted; and
- 1150 (ii) [~~a column~~] an entry field for the [~~election judge~~] poll worker to record changes in
- 1151 the voter's party affiliation.
- 1152 (d) When preparing the official register [~~and posting list~~] for any regular general
- 1153 election, regular primary election, or election for federal office, the county clerk shall include:
- 1154 (i) [~~a column~~] an entry field that indicates if the voter is required to show identification
- 1155 before voting;
- 1156 (ii) [~~a column~~] an entry field for the [~~election judge~~] poll worker to record the
- 1157 provisional envelope ballot number for voters who receive a provisional ballot; and
- 1158 (iii) a space for the [~~election judge~~] poll worker to record the type of proof of identity
- 1159 and the type of proof of residence provided by voters who receive a provisional ballot.
- 1160 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
- 1161 elections, special district elections, and bond elections, the county clerk shall make an official
- 1162 register [~~and posting list~~] only for voting precincts affected by the primary, municipal, special
- 1163 district, or bond election.
- 1164 (ii) If a polling place to be used in a bond election serves both voters residing in the
- 1165 local political subdivision calling the bond election and voters residing outside of that local
- 1166 political subdivision, the official register shall designate whether each voter resides in or
- 1167 outside of the local political subdivision.
- 1168 (iii) Each county clerk, with the assistance of the clerk of each affected special district,
- 1169 shall provide a detailed map or an indication on the registration list or other means to enable
- 1170 [~~an election judge~~] a poll worker to determine the voters entitled to vote at an election of
- 1171 special district officers.
- 1172 (b) Municipalities shall pay the costs of making the official register [~~and posting list~~]
- 1173 for municipal elections.
- 1174 Section 19. Section **20A-5-403** is amended to read:

1175 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Provisions --**
1176 **Arrangements.**

1177 (1) Each election officer shall:

1178 (a) designate polling places for each voting precinct in the jurisdiction; and

1179 (b) obtain the approval of the county or municipal legislative body or special district
1180 governing board for those polling places.

1181 (2) (a) For each polling place, the election officer shall provide:

1182 (i) an American flag;

1183 (ii) a sufficient number of voting booths or compartments;

1184 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot [~~cards~~
1185 sheets, write-in ballots, and any other records and supplies necessary to enable a voter to vote;

1186 (iv) the constitutional amendment cards required by Part 1, Election Notices and
1187 Instructions;

1188 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
1189 Information Pamphlet; and

1190 (vi) the instruction cards required by Section 20A-5-102.

1191 (b) Each election officer shall ensure that:

1192 (i) each voting booth is at a convenient height for writing, and is arranged so that the
1193 voter can prepare his ballot screened from observation;

1194 (ii) there are a sufficient number of voting booths or voting devices to accommodate
1195 the voters at that polling place; and

1196 (iii) there is at least one voting booth or voting device that is configured to
1197 accommodate persons with disabilities.

1198 (c) Each county clerk shall provide a ballot box for each polling place that is large
1199 enough to properly receive and hold the ballots to be cast.

1200 (3) (a) [~~As of May 15, 2003, all~~] All polling places shall be physically inspected by
1201 each county clerk to ensure access by a person with a disability.

1202 (b) Any issues concerning inaccessibility to polling places by a person with a disability
1203 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
1204 clerk [~~on or after May 15, 2002~~] shall be:

1205 (i) forwarded to the Office of the Lieutenant Governor; and

1206 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
1207 either:

1208 (A) remedied at the particular location by the county clerk;

1209 (B) the county clerk shall designate an alternative accessible location for the particular
1210 precinct; or

1211 (C) if no practical solution can be identified, file with the Office of the Lieutenant
1212 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

1213 (4) The municipality in which the election is held shall pay the cost of conducting each
1214 municipal election, including the cost of printing and supplies.

1215 (5) The county clerk shall make detailed entries of all proceedings had under this
1216 chapter.

1217 Section 20. Section **20A-5-405** is amended to read:

1218 **20A-5-405. Election officer to provide ballots.**

1219 (1) In jurisdictions using paper ballots, each election officer shall:

1220 (a) provide printed official paper ballots and absentee ballots for every election of
1221 public officers in which the voters, or any of the voters, within the election officer's jurisdiction
1222 participate;

1223 (b) cause the name of every candidate whose nomination has been certified to or filed
1224 with the election officer in the manner provided by law to be printed on each official paper
1225 ballot and absentee ballot;

1226 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
1227 be printed on each official paper ballot and absentee ballot;

1228 (d) ensure that the official paper ballots are printed and in the possession of the election
1229 officer [~~at least four days before election day~~] before commencement of voting;

1230 (e) ensure that the absentee ballots are printed and in the possession of the election
1231 officer [~~at least 15 days~~] with sufficient time before [~~election day~~] commencement of voting;

1232 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1233 be printed on each official paper ballot and absentee ballot;

1234 (g) allow candidates and their agents and the sponsors of ballot propositions that have
1235 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

1236 (h) cause sample ballots to be printed that are in the same form as official paper ballots

1237 and that contain the same information as official paper ballots but that are printed on different
1238 colored paper than official paper ballots;

1239 (i) ensure that the sample ballots are printed and in the possession of the election
1240 officer at least seven days before ~~[election day]~~ commencement of voting;

1241 (j) make the sample ballots available for public inspection by:

1242 (i) posting a copy of the sample ballot in his office at least seven days before ~~[the~~
1243 ~~election]~~ commencement of voting;

1244 (ii) mailing a copy of the sample ballot to:

1245 (A) each candidate listed on the ballot; and

1246 (B) the lieutenant governor; and

1247 (iii) publishing a copy of the sample ballot immediately before the election in at least
1248 one newspaper of general circulation in the jurisdiction holding the election;

1249 (k) deliver at least five copies of the sample ballot to ~~[election judges in]~~ poll workers
1250 for each [voting precinct] polling place and direct them to post the sample ballots ~~[at each~~
1251 ~~voting precinct]~~ as required by Section 20A-5-102; and

1252 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
1253 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
1254 demands of the qualified voters in each voting precinct.

1255 (2) In jurisdictions using a punch card ballot ~~[cards]~~, each election officer shall:

1256 (a) provide official ballot ~~[cards]~~ sheets, absentee ballot ~~[cards]~~ sheets, and printed
1257 official ballot labels for every election of public officers in which the voters, or any of the
1258 voters, within the election officer's jurisdiction participate;

1259 (b) cause the name of every candidate who filed with the election officer in the manner
1260 provided by law or whose nomination has been certified to the election officer to be printed on
1261 each official ballot label;

1262 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
1263 be printed on each official ballot label;

1264 (d) ensure that the official ballot labels are printed and in the possession of the election
1265 officer ~~[at least four days before election day]~~ before the commencement of voting;

1266 (e) ensure that the absentee ballots are printed and in the possession of the election
1267 officer ~~[at least 15 days]~~ with sufficient time before ~~[election day]~~ commencement of voting;

1268 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1269 be printed on each official ballot label and absentee ballot;

1270 (g) allow candidates and their agents and the sponsors of ballot propositions that have
1271 qualified for the official sample ballot to inspect the official sample ballot;

1272 (h) cause sample ballots to be printed that contain the same information as official
1273 ballot labels but that are distinguishable from official ballot labels;

1274 (i) ensure that the sample ballots are printed and in the possession of the election
1275 officer at least seven days before ~~[election day]~~ commencement of voting;

1276 (j) make the sample ballots available for public inspection by:

1277 (i) posting a copy of the sample ballot in his office at least seven days before ~~[the~~
1278 ~~election]~~ commencement of voting;

1279 (ii) mailing a copy of the sample ballot to:

1280 (A) each candidate listed on the ballot; and

1281 (B) the lieutenant governor; and

1282 (iii) publishing a copy of the sample ballot immediately before the election in at least
1283 one newspaper of general circulation in the jurisdiction holding the election;

1284 (k) deliver at least five copies of the sample ballot to ~~[election judges in]~~ poll workers
1285 for each [voting precinct] polling place and direct them to post the sample ballots ~~[at each~~
1286 ~~voting precinct]~~ as required by Section 20A-5-102; and

1287 (l) print and deliver official ballot ~~[cards]~~ sheets, official ballot labels, sample ballots,
1288 and instruction cards at the expense of the jurisdiction conducting the election.

1289 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer
1290 shall:

1291 (a) provide official ballot sheets and absentee ballot sheets for every election of public
1292 officers in which the voters, or any of the voters, within the election officer's jurisdiction
1293 participate;

1294 (b) cause the name of every candidate who filed with the election officer in the manner
1295 provided by law or whose nomination has been certified to or filed with the election officer to
1296 be printed on each official ballot and absentee ballot;

1297 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
1298 be printed on each official ballot and absentee ballot;

- 1299 (d) ensure that the official ballots are printed and in the possession of the election
1300 officer before commencement of voting;
- 1301 (e) ensure that the absentee ballots are printed and in the possession of the election
1302 officer with sufficient time before commencement of voting;
- 1303 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1304 be printed on each official ballot and absentee ballot;
- 1305 (g) allow candidates and their agents and the sponsors of ballot propositions that have
1306 qualified for the official sample ballot to inspect the official sample ballot;
- 1307 (h) cause sample ballots to be printed that contain the same information as official
1308 ballots but that are distinguishable from the official ballots;
- 1309 (i) ensure that the sample ballots are printed and in the possession of the election
1310 officer at least seven days before commencement of voting;
- 1311 (j) make the sample ballots available for public inspection by:
- 1312 (i) posting a copy of the sample ballot in the election officer's office at least seven days
1313 before commencement of voting;
- 1314 (ii) mailing a copy of the sample ballot to:
- 1315 (A) each candidate listed on the ballot; and
- 1316 (B) the lieutenant governor; and
- 1317 (iii) publishing a copy of the sample ballot immediately before the election in at least
1318 one newspaper of general circulation in the jurisdiction holding the election;
- 1319 (k) deliver at least five copies of the sample ballot to poll workers for each polling
1320 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 1321 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
1322 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
1323 demands of the qualified voters in each voting precinct.
- 1324 (4) In jurisdictions using electronic ballots, each election officer shall:
- 1325 (a) provide official ballots for every election of public officers in which the voters, or
1326 any of the voters, within the election officer's jurisdiction participate;
- 1327 (b) cause the name of every candidate who filed with the election officer in the manner
1328 provided by law or whose nomination has been certified to the election officer to be displayed
1329 on each official ballot;

1330 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
1331 be displayed on each official ballot;

1332 (d) ensure that the official ballots are prepared and in the possession of the election
1333 officer before commencement of voting;

1334 (e) ensure that the absentee ballots are prepared and in the possession of the election
1335 officer at least 15 days before commencement of voting;

1336 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
1337 be printed on each official ballot and absentee ballot;

1338 (g) allow candidates and their agents and the sponsors of ballot propositions that have
1339 qualified for the official sample ballot to inspect the official sample ballot;

1340 (h) cause sample ballots to be printed that contain the same information as official
1341 ballots but that are distinguishable from official ballots;

1342 (i) ensure that the sample ballots are printed and in the possession of the election
1343 officer at least seven days before commencement of voting;

1344 (j) make the sample ballots available for public inspection by:

1345 (i) posting a copy of the sample ballot in the election officer's office at least seven days
1346 before commencement of voting;

1347 (ii) mailing a copy of the sample ballot to:

1348 (A) each candidate listed on the ballot; and

1349 (B) the lieutenant governor; and

1350 (iii) publishing a copy of the sample ballot immediately before the election in at least
1351 one newspaper of general circulation in the jurisdiction holding the election;

1352 (k) deliver at least five copies of the sample ballot to poll workers for each polling
1353 place and direct them to post the sample ballots as required by Section 20A-5-102; and

1354 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the
1355 expense of the jurisdiction conducting the election.

1356 [~~(3)~~] (5) (a) Each election officer shall, without delay, correct any error discovered in
1357 any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the
1358 correction can be made without interfering with the timely distribution of the paper ballots
1359 [and], ballot labels, ballot sheets, or electronic ballots.

1360 (b) (i) If the election officer discovers [~~errors or omissions~~] an error or omission in

1361 ~~[the] a paper [ballots or] ballot, ballot [labels] label, or ballot sheet,~~ and it is not possible to
 1362 correct the ~~[errors or omissions] error or omission~~ by reprinting the paper ballots ~~[or],~~ ballot
 1363 labels, or ballot sheets, the election officer shall direct the ~~[election judges] poll workers~~ to
 1364 make the necessary corrections on the official paper ballots ~~[or],~~ ballot labels, or ballot sheets
 1365 before they are distributed at the polls.

1366 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
 1367 not possible to correct the error or omission by revising the electronic ballot, the election
 1368 officer shall direct the poll workers to post notice of each error or omission with instructions on
 1369 how to correct each error or omission in a prominent position at each polling booth.

1370 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper
 1371 ballots ~~[or],~~ ballot labels, ballot sheets, or electronic ballots, a candidate or ~~[his] a candidate's~~
 1372 agent agent may file a verified petition with the district court asserting that:

1373 (A) an error or omission has occurred in:

1374 (I) the publication of the name or description of a candidate [or];

1375 (II) the preparation or display of an electronic ballot; or

1376 (III) in the printing of sample or official paper ballots [or], ballot labels, or ballot
 1377 sheets; and

1378 (B) the election officer has failed to correct or provide for the correction of the error or
 1379 omission.

1380 (ii) The district court shall issue an order requiring correction of any error in a paper
 1381 ballot ~~[or],~~ ballot label, ballot sheet, or electronic ballot or an order to show cause why the error
 1382 should not be corrected if it appears to the court that the error or omission has occurred and the
 1383 election officer has failed to correct it or failed to provide for its correction.

1384 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
 1385 Supreme Court within five days after the decision of the district court.

1386 Section 21. Section **20A-5-406** is amended to read:

1387 **20A-5-406. Delivery of ballots.**

1388 (1) In elections using paper ballots or ballot sheets:

1389 ~~[(+)]~~ (a) Each election officer shall deliver ballots to the ~~[election judges] poll workers~~
 1390 of each voting precinct in his jurisdiction ~~[as follows:]~~ in an amount sufficient to meet voting
 1391 needs during the voting period.

- 1392 ~~[(a) in regular general elections and regular primary elections:]~~
1393 ~~[(i) if the boundaries of the voting precinct have not been changed since the last~~
1394 ~~election, 75 ballots for every 50, or fraction of 50, voters registered at the last election in the~~
1395 ~~voting precinct; and]~~
1396 ~~[(ii) if the boundaries of the voting precinct have been changed since the last election,~~
1397 ~~or when a new voting precinct has been created, 75 ballots for every 50, or fraction of 50;~~
1398 ~~voters that the election officer estimates are registered to vote in the revised or new precinct;~~
1399 ~~and]~~
- 1400 ~~[(b) in regular municipal elections and municipal primary elections, one ballot for each~~
1401 ~~registered voter.]~~
- 1402 ~~[(2)]~~ (b) The election officer shall:
- 1403 ~~[(a)]~~ (i) package and deliver the ballots to the election judges;
1404 ~~[(b)]~~ (ii) clearly mark the outside of the package with:
1405 ~~[(i)]~~ (A) the voting precinct and polling place for which it is intended; and
1406 ~~[(ii)]~~ (B) the number of each type of ballots enclosed;
1407 ~~[(c)]~~ (iii) ensure that each package is delivered before ~~[noon the Monday before~~
1408 ~~election day]~~ commencement of voting to ~~[an election judge]~~ a poll worker in each precinct;
1409 and
- 1410 ~~[(d)]~~ (iv) obtain a receipt for the ballots from the ~~[election judge]~~ poll worker to whom
1411 they were delivered that identifies the date and time when, and the manner in which, each
1412 ballot package was sent and delivered.
- 1413 ~~[(3)-(a)]~~ (c) The election officer shall prepare substitute ballots in the form required by
1414 this Subsection (1) if any ~~[election judge]~~ poll worker reports that:
- 1415 (i) the ballots were not delivered on time; or
1416 (ii) after delivery, they were destroyed or stolen.
- 1417 ~~[(b)]~~ (d) The election officer shall:
- 1418 (i) prepare the substitute ballots as nearly in the form prescribed for official ballots as
1419 practicable;
1420 (ii) cause the word "substitute" to be printed in brackets immediately under the
1421 facsimile signature of the clerk or recorder preparing the ballots;
1422 (iii) place the ballots in two separate packages, each package containing 1/2 the ballots

1423 sent to that voting precinct; and

1424 (iv) place a signed statement in each package certifying that the substitute ballots found
1425 in the package were prepared and furnished by [him] the election officer, and that the original
1426 ballots were not received, were destroyed, or were stolen.

1427 (2) In elections using electronic ballots:

1428 (a) Each election officer shall:

1429 (i) deliver the voting devices and electronic ballots prior to the commencement of
1430 voting;

1431 (ii) ensure that the voting devices, equipment, and electronic ballots are properly
1432 secured before commencement of voting; and

1433 (iii) when electronic ballots or voting devices containing electronic ballots are
1434 delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered
1435 that identifies:

1436 (A) the name of the poll worker receiving delivery; and

1437 (B) the date and time when the ballots or voting devices containing the electronic
1438 ballots were delivered.

1439 (b) The election officer shall repair or provide substitute voting devices, equipment, or
1440 electronic ballots, if available, if any poll worker reports that:

1441 (i) the voting devices or equipment were not delivered on time;

1442 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
1443 information;

1444 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
1445 have been tampered with;

1446 (iv) the voting devices or equipment do not appear to be functioning properly; or

1447 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
1448 or stolen.

1449 (c) If the election officer is unable to prepare and provide substitute voting devices,
1450 equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot
1451 sheets according to the requirements of Subsection (1).

1452 Section 22. Section **20A-5-605** is amended to read:

1453 **20A-5-605. Duties of poll workers.**

1454 (1) ~~[(a) Receiving judges]~~ Poll workers shall:
1455 (a) arrive at the polling place ~~[30 minutes before the polls open]~~ at a time determined
1456 by the election officer; and
1457 (b) remain until the official election returns are prepared for delivery.
1458 ~~[(b) Counting judges shall be at the polls as directed by the election officer and remain~~
1459 ~~until the official election returns are prepared for delivery.]~~
1460 (2) The election officer may designate:
1461 (a) certain poll workers to act as election judges;
1462 (b) an election judge to act as the presiding election judge; and
1463 (c) certain poll workers to act as clerks.
1464 ~~[(2)]~~ (3) Upon their arrival to open the polls, each set of ~~[election judges]~~ poll workers
1465 shall:
1466 ~~[(a) designate which judge shall preside and which judges shall act as clerks;]~~
1467 (a) if the election officer has not designated which poll workers at a polling place shall
1468 act as election judges, as presiding election judge, or as clerks:
1469 (i) designate two poll workers to act as election judges as necessary;
1470 (ii) determine which election judge shall preside as necessary; and
1471 (iii) determine which poll workers shall act as clerks as necessary;
1472 (b) ~~[in voting precincts using paper ballots,]~~ select one or more of their number to
1473 deliver the election returns to the election officer or to the place that the election officer
1474 designates;
1475 ~~[(c) in voting precincts using ballot cards, select two of their number, each from a~~
1476 ~~different party, to deliver the election returns to the election officer or to the place that the~~
1477 ~~election officer designates;]~~
1478 ~~[(d)]~~ (c) display the United States flag;
1479 ~~[(e) open]~~ (d) examine the voting devices ~~[and examine them]~~ to see that they are in
1480 proper working order and that security devices have not been tampered with;
1481 ~~[(f)]~~ (e) place the voting devices, voting booths, and the ballot box in plain view of
1482 ~~[election judges]~~ those poll workers and watchers that are present;
1483 ~~[(g)]~~ (f) for paper ballots and ballot sheets, open the ballot packages in the presence of
1484 all the ~~[judges]~~ poll workers;

1485 ~~[(h)]~~ (g) check the ballots, supplies, records, and forms;

1486 ~~[(i)]~~ (h) if directed to do so by the election officer[;];

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

1488 the polls; and

1489 (ii) post any necessary notice of errors in electronic ballots before voting commences;

1490 ~~[(j)]~~ (i) post the sample ballots, instructions to voters, and constitutional amendments,

1491 if any; and

1492 ~~[(k)]~~ ~~hang the posting list near the polling place entrance; and]~~

1493 ~~[(l)]~~ (j) open the ballot box in the presence of those assembled, turn it upside down to

1494 empty it of anything, and then, immediately before polls open, lock it, or if locks and keys are

1495 not available, tape it securely.

1496 (3) (a) If any ~~[election judge]~~ poll worker fails to appear on the morning of the election,

1497 or fails or refuses to act[;];

1498 (i) at least six qualified electors from the voting precinct who are present at the polling

1499 place at the hour designated by law for the opening of the polls shall fill the vacancy by

1500 appointing another qualified person from the voting precinct who is a member of the same

1501 political party as the ~~[judge]~~ poll worker who is being replaced to act as ~~[election judge:]~~ a poll

1502 worker; or

1503 (ii) the election officer shall appoint a qualified person to act as a poll worker.

1504 (b) If a majority of the ~~[receiving election judges]~~ poll workers are present, they shall

1505 open the polls, even though ~~[the alternate judge]~~ a poll worker has not arrived.

1506 (4) (a) If it is impossible or inconvenient to hold an election at the polling place

1507 designated, the ~~[election judges]~~ poll workers, after having assembled at or as near as

1508 practicable to the designated place, and before receiving any vote, may move to the nearest

1509 convenient place for holding the election.

1510 (b) If the ~~[judges]~~ poll workers move to a new polling place, they shall display a

1511 proclamation of the change and station a peace officer or some other proper person at the

1512 original polling place to notify voters of the location of the new polling place.

1513 (5) If the ~~[election judge]~~ poll worker who received delivery of the ballots produces

1514 packages of substitute ballots accompanied by a written and sworn statement of the election

1515 officer that the ballots are substitute ballots because the original ballots were not received, were

1516 destroyed, or were stolen, the ~~[election judges]~~ poll workers shall use those substitute ballots as
1517 the official election ballots.

1518 (6) If, for any reason, none of the official or substitute ballots are ready for distribution
1519 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the
1520 ~~[election judges]~~ poll workers may use unofficial ballots, made as nearly as possible in the
1521 form of the official ballot, until substitutes prepared by the election officer are printed and
1522 delivered.

1523 (7) When it is time to open the polls, one of the ~~[election judges]~~ poll workers shall
1524 announce that the polls are open as required by Section 20A-1-302.

1525 (8) (a) The ~~[election judges]~~ poll workers shall comply with the voting procedures and
1526 requirements of Title 20A, Chapter 3, Voting, in allowing people to vote.

1527 (b) The ~~[election judges]~~ poll workers may not allow any person, other than election
1528 officials and those admitted to vote, within six feet of voting ~~[machines]~~ devices, voting
1529 booths, and the ballot box.

1530 (c) Besides the ~~[election judges]~~ poll workers and watchers, the ~~[election judges]~~ poll
1531 workers may not allow more than four voters in excess of the number of voting booths
1532 provided within six feet of voting ~~[machines]~~ devices, voting booths, and the ballot box.

1533 (d) If necessary, the ~~[election judges]~~ poll workers shall instruct each voter about how
1534 to operate the voting device before the voter enters the voting booth.

1535 (e) (i) If the voter requests additional instructions after entering the voting booth, two
1536 ~~[election judges]~~ poll workers may, if necessary, enter the booth and give the voter additional
1537 instructions.

1538 (ii) In regular general elections and regular primary elections, the two ~~[election judges]~~
1539 poll workers who enter the voting booth to assist the voter shall be of different political parties.

1540 Section 23. Section **20A-5-706** is enacted to read:

1541 **20A-5-706. Damage, alternation, or theft of election equipment -- Penalty.**

1542 (1) It is unlawful for any person to intentionally or knowingly damage, modify, steal,
1543 tamper with, or destroy a voting device, voting equipment, or an automated voting system.

1544 (2) Any person who violates this section is guilty of a third degree felony.

1545 Section 24. Section **20A-6-102** is amended to read:

1546 **20A-6-102. General requirements for machine counted ballots.**

- 1547 (1) Each election officer shall ensure that ballots and ballot labels are printed:
- 1548 (a) to a size and arrangement that fits the construction of the voting device; and
- 1549 (b) in plain, clear type in black ink on clear white stock; or
- 1550 (c) in plain, clear type in black ink on stock of different colors if it is necessary to:
- 1551 (i) identify different ballots or parts of the ballot; or
- 1552 (ii) differentiate between political parties.
- 1553 (2) Each election officer shall ensure that:
- 1554 (a) ballot [~~cards~~] sheets are of a size, design, and stock suitable for processing by
- 1555 automatic data processing machines;
- 1556 (b) each ballot [~~card~~] sheet has an attached perforated stub, on which is printed the
- 1557 words "Official Ballot, (initial) [~~Judge~~] Poll Worker"; and
- 1558 (c) ballot stubs are numbered consecutively.
- 1559 (3) In elections in which voters are authorized to cast write-in votes, the election
- 1560 officer shall provide a separate write-in ballot, which may be in the form of a paper ballot, a
- 1561 card, or a secrecy envelope in which the voter places his ballot [~~card~~] sheet after voting, to
- 1562 permit voters to write in the title of the office and the name of the person or persons for whom
- 1563 the voter wishes to cast a write-in vote.
- 1564 (4) Notwithstanding any other provisions of this section, the election officer may
- 1565 authorize any ballots that are to be counted by means of electronic or electromechanical
- 1566 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks
- 1567 that will be suitable for use in the counting devices in which they are intended to be placed.
- 1568 Section 25. Section **20A-6-203** is amended to read:
- 1569 **20A-6-203. Ballots for regular primary elections.**
- 1570 (1) The lieutenant governor, together with county clerks, suppliers of election
- 1571 materials, and representatives of registered political parties, shall:
- 1572 (a) develop paper ballots, ballot labels, [~~and~~] ballot [~~cards~~] sheets, and electronic
- 1573 ballots to be used in Utah's regular primary election;
- 1574 (b) ensure that the paper ballots, ballot labels, [~~and~~] ballot [~~cards~~] sheets, and electronic
- 1575 ballots comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part
- 1576 1, General Requirements for All Ballots, and this section; and
- 1577 (c) provide voting booths, election records and supplies, [~~and~~] ballot boxes, and as

1578 applicable, voting devices, for each voting precinct as required by Section 20A-5-403.

1579 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
1580 Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401,
1581 and 20A-6-401.1, the lieutenant governor, together with county clerks, suppliers of election
1582 materials, and representatives of registered political parties shall ensure that the paper ballots,
1583 ballot labels, ballot [~~cards, and~~] sheets, electronic ballots, and voting booths, election records
1584 and supplies, and ballot boxes:

1585 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
1586 voters are authorized to vote for a party's candidate;

1587 (ii) simplify the task of [~~election judges~~] poll workers, particularly in determining a
1588 voter's party affiliation;

1589 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

1590 (iv) protect against fraud.

1591 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
1592 county clerks, suppliers of election materials, and representatives of registered political parties
1593 shall:

1594 (i) mark, prepunch, or otherwise identify ballots and ballot [~~cards~~] sheets as being for a
1595 particular registered political party; and

1596 (ii) instruct persons counting the ballots to count only those votes for candidates from
1597 the registered political party whose ballot the voter received.

1598 Section 26. Section **20A-6-301** is amended to read:

1599 **20A-6-301. Paper ballots -- Regular general election.**

1600 (1) Each election officer shall ensure that:

1601 (a) all paper ballots furnished for use at the regular general election contain no captions
1602 or other endorsements except as provided in this section;

1603 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
1604 top of the ballot, and divided from the rest of ballot by a perforated line;

1605 (ii) the ballot number and the words "[~~Judge's~~] Poll Worker's Initial ____" are printed
1606 on the stub; and

1607 (iii) ballot stubs are numbered consecutively;

1608 (c) immediately below the perforated ballot stub, the following endorsements are

1609 printed in 18-point bold type:

1610 (i) "Official Ballot for ____ County, Utah";

1611 (ii) the date of the election; and

1612 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

1613 (d) each ticket is placed in a separate column on the ballot in the order determined by
1614 the election officer with the party emblem, followed by the party name, at the head of the
1615 column;

1616 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

1617 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,
1618 and the top of the circle is placed not less than two inches below the perforated line;

1619 (g) unaffiliated candidates and candidates not affiliated with a registered political party
1620 are listed in one column, without a party circle, with the following instructions printed at the
1621 head of the column: "All candidates not affiliated with a political party are listed below. They
1622 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
1623 for each office.";

1624 (h) the columns containing the lists of candidates, including the party name and device,
1625 are separated by heavy parallel lines;

1626 (i) the offices to be filled are plainly printed immediately above the names of the
1627 candidates for those offices;

1628 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
1629 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
1630 an inch apart;

1631 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the
1632 right of the name of each candidate;

1633 (l) for the offices of president and vice president and governor and lieutenant governor,
1634 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a
1635 double bracket enclosing the right side of the names of the two candidates;

1636 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a
1637 write-in column long enough to contain as many written names of candidates as there are
1638 persons to be elected with:

1639 [~~(i) the offices to be filled printed above the blank spaces on the ticket; and~~]

1640 (i) for each office on the ballot, the office to be filled plainly printed immediately
1641 above:

1642 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
1643 square with sides measuring not less than 1/4 of an inch in length printed at the right of the
1644 blank horizontal line; or

1645 (B) for the offices of president and vice president and governor and lieutenant
1646 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
1647 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
1648 length printed opposite a double bracket enclosing the right side of the two blank horizontal
1649 lines; and

1650 (ii) the words "Write-In Voting Column" printed at the head of the column without a
1651 1/2 inch circle;

1652 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the
1653 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point
1654 solid rule running vertically the full length of the nonpartisan ballot copy; and

1655 (o) constitutional amendments or other questions submitted to the vote of the people,
1656 are printed on the ballot after the list of candidates.

1657 (2) Each election officer shall ensure that:

1658 (a) each person nominated by any political party or group of petitioners is placed on the
1659 ballot:

1660 (i) under the party name and emblem, if any; or

1661 (ii) under the title of the party or group as designated by them in their certificates of
1662 nomination or petition, or, if none is designated, then under some suitable title;

1663 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
1664 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

1665 (c) the names of the candidates for president and vice president are used on the ballot
1666 instead of the names of the presidential electors; and

1667 (d) the ballots contain no other names.

1668 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
1669 that:

1670 (a) the designation of the office to be filled in the election and the number of

- 1671 candidates to be elected are printed in type not smaller than eight-point;
- 1672 (b) the words designating the office are printed flush with the left-hand margin;
- 1673 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
1674 the column;
- 1675 (d) the nonpartisan candidates are grouped according to the office for which they are
1676 candidates;
- 1677 (e) the names in each group are placed in alphabetical order with the surnames last,
1678 except for candidates for the State Board of Education and local school boards;
- 1679 (f) the names of candidates for the State Board of Education are placed on the ballot as
1680 certified by the lieutenant governor under Section 20A-14-105;
- 1681 (g) if candidates for membership on a local board of education were selected in a
1682 primary election, the name of the candidate who received the most votes in the primary election
1683 is listed first on the ballot;
- 1684 (h) if candidates for membership on a local board of education were not selected in the
1685 primary election, the names of the candidates are listed on the ballot in the order determined by
1686 a lottery conducted by the county clerk; and
- 1687 (i) each group is preceded by the designation of the office for which the candidates
1688 seek election, and the words, "Vote for one" or "Vote for two or more," according to the
1689 number to be elected.
- 1690 (4) Each election officer shall ensure that:
- 1691 (a) proposed amendments to the Utah Constitution are listed on the ballot under the
1692 heading "Constitutional Amendment Number ___" with the number of the constitutional
1693 amendment as assigned under Section 20A-7-103 placed in the blank;
- 1694 (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot
1695 under the heading "State Proposition Number ___" with the number of the state proposition as
1696 assigned under Section 20A-7-103 placed in the blank;
- 1697 (c) propositions submitted to the voters by a county are listed on the ballot under the
1698 heading "County Proposition Number ___" with the number of the county proposition as
1699 assigned by the county legislative body placed in the blank;
- 1700 (d) propositions submitted to the voters by a school district are listed on the ballot
1701 under the heading "School District Proposition Number ___" with the number of the school

1702 district proposition as assigned by the county legislative body placed in the blank;

1703 (e) state initiatives that have qualified for the ballot are listed on the ballot under the
1704 heading "Citizen's State Initiative Number ___" with the number of the state initiative as
1705 assigned by Section 20A-7-209 placed in the blank;

1706 (f) county initiatives that have qualified for the ballot are listed on the ballot under the
1707 heading "Citizen's County Initiative Number ___" with the number of the county initiative as
1708 assigned under Section 20A-7-508 placed in the blank;

1709 (g) state referenda that have qualified for the ballot are listed on the ballot under the
1710 heading "Citizen's State Referendum Number ___" with the number of the state referendum as
1711 assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;

1712 (h) county referenda that have qualified for the ballot are listed on the ballot under the
1713 heading "Citizen's County Referendum Number ___" with the number of the county referendum
1714 as assigned under Section 20A-7-608 placed in the blank; and

1715 (i) bond propositions that have qualified for the ballot are listed on the ballot under the
1716 title assigned to each bond proposition under Section 11-14-206.

1717 Section 27. Section **20A-6-302** is amended to read:

1718 **20A-6-302. Paper ballots -- Placement of candidates' names.**

1719 (1) Each election officer shall ensure, for paper ballots in regular general elections,
1720 that:

1721 (a) except for candidates for state school board and local school boards:

1722 (i) each candidate is listed by party; and

1723 (ii) candidates' surnames are listed in alphabetical order on the ballots when two or
1724 more candidates' names are required to be listed on a ticket under the title of an office;

1725 (b) the names of candidates for the State Board of Education are placed on the ballot as
1726 certified by the lieutenant governor under Section 20A-14-105;

1727 (c) if candidates for membership on a local board of education were selected in a
1728 regular primary election, the name of the candidate who received the most votes in the regular
1729 primary election is listed first on the ballot; and

1730 (d) if candidates for membership on a local board of education were not selected in the
1731 regular primary election, the names of the candidates are listed on the ballot in the order
1732 determined by a lottery conducted by the county clerk.

- 1733 (2) (a) The election officer may not allow the name of a candidate who dies or
1734 withdraws before election day to be printed upon the ballots.
- 1735 (b) If the ballots have already been printed, the election officer:
- 1736 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a
1737 line through the candidate's name before the ballots are delivered to voters; and
- 1738 (ii) may not count any votes for that dead or withdrawn candidate.
- 1739 (3) (a) When there is only one candidate for county attorney at the regular general
1740 election in counties that have three or fewer registered voters of the county who are licensed
1741 active members in good standing of the Utah State Bar, the county clerk shall cause that
1742 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
1743 with the following question: "Shall (name of candidate) be elected to the office of county
1744 attorney? Yes ____ No ____."
- 1745 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
1746 elected to the office of county attorney.
- 1747 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
1748 elected and may not take office, nor may he continue in the office past the end of the term
1749 resulting from any prior election or appointment.
- 1750 (d) When the name of only one candidate for county attorney is printed on the ballot
1751 under authority of this Subsection (3), the county clerk may not count any write-in votes
1752 received for the office of county attorney.
- 1753 (e) If no qualified person files for the office of county attorney or if the candidate is not
1754 elected by the voters, the county legislative body shall appoint the county attorney as provided
1755 in Section 20A-1-509.2.
- 1756 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
1757 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
1758 two consecutive terms immediately preceding the term for which the candidate is seeking
1759 election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an
1760 unopposed candidate the same as any other unopposed candidate for another office, unless a
1761 petition is filed with the county clerk before the date of that year's primary election that:
- 1762 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 1763 (ii) contains the signatures of registered voters in the county representing in number at

1764 least 25% of all votes cast in the county for all candidates for governor at the last election at
1765 which a governor was elected.

1766 (4) (a) When there is only one candidate for district attorney at the regular general
1767 election in a prosecution district that has three or fewer registered voters of the district who are
1768 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
1769 that candidate's name and party affiliation, if any, to be placed on a separate section of the
1770 ballot with the following question: "Shall (name of candidate) be elected to the office of district
1771 attorney? Yes ____ No ____."

1772 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
1773 elected to the office of district attorney.

1774 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
1775 elected and may not take office, nor may he continue in the office past the end of the term
1776 resulting from any prior election or appointment.

1777 (d) When the name of only one candidate for district attorney is printed on the ballot
1778 under authority of this Subsection (4), the county clerk may not count any write-in votes
1779 received for the office of district attorney.

1780 (e) If no qualified person files for the office of district attorney, or if the only candidate
1781 is not elected by the voters under this subsection, the county legislative body shall appoint a
1782 new district attorney for a four-year term as provided in Section 20A-1-509.2.

1783 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on
1784 the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the
1785 two consecutive terms immediately preceding the term for which the candidate is seeking
1786 election, Subsection (4)(a) shall not apply and that candidate shall be considered to be an
1787 unopposed candidate the same as any other unopposed candidate for another office, unless a
1788 petition is filed with the county clerk before the date of that year's primary election that:

1789 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and

1790 (ii) contains the signatures of registered voters in the county representing in number at
1791 least 25% of all votes cast in the county for all candidates for governor at the last election at
1792 which a governor was elected.

1793 Section 28. Section **20A-6-303** is amended to read:

1794 **20A-6-303. Regular general election -- Ballot sheets.**

- 1795 (1) Each election officer shall ensure that:
- 1796 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
- 1797 approximately the same order as paper ballots;
- 1798 (b) the titles of offices and the names of candidates are printed in vertical columns or in
- 1799 a series of separate pages;
- 1800 (c) [~~if pages are used, the pages placed on the voting device~~] the ballot sheet or any
- 1801 pages used for the ballot label are of sufficient number to include, after the list of candidates:
- 1802 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
- 1803 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 1804 (d) [~~the ballot labels include~~] a voting square or position is included where the voter
- 1805 may record a straight party ticket vote for all the candidates of one party by one mark or punch;
- 1806 (e) the tickets are printed [~~on the ballot label~~] in the order determined by the county
- 1807 clerk;
- 1808 (f) the office titles are printed above or at the side of the names of candidates so as to
- 1809 indicate clearly the candidates for each office and the number to be elected;
- 1810 (g) the party designation of each candidate is printed to the right or below the
- 1811 candidate's name; and
- 1812 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
- 1813 page;
- 1814 (ii) if all candidates for one office cannot be listed in one column or grouped [~~upon~~] on
- 1815 one page:
- 1816 (A) the ballot sheet or ballot label [~~is~~] shall be clearly marked to indicate that the list of
- 1817 candidates is continued on the following column or page; and
- 1818 (B) approximately the same number of names [~~are~~] shall be printed in each column or
- 1819 on each page; and
- 1820 (i) arrows [~~are~~] shall be used to indicate the place to vote for each candidate and on
- 1821 each measure.
- 1822 (2) Each election officer shall ensure that:
- 1823 (a) proposed amendments to the Utah Constitution are listed [~~on the ballot label~~] under
- 1824 the heading "Constitutional Amendment Number ___" with the number of the constitutional
- 1825 amendment as assigned under Section 20A-7-103 placed in the blank;

1826 (b) propositions submitted to the voters by the Utah Legislature are listed [~~on the ballot~~
1827 ~~label~~] under the heading "State Proposition Number ___" with the number of the state
1828 proposition as assigned under Section 20A-7-103 placed in the blank;

1829 (c) propositions submitted to the voters by a county are listed [~~on the ballot label~~]
1830 under the heading "County Proposition Number ___" with the number of the county proposition
1831 as assigned by the county legislative body placed in the blank;

1832 (d) propositions submitted to the voters by a school district are listed [~~on the ballot~~
1833 ~~label~~] under the heading "School District Proposition Number ___" with the number of the
1834 school district proposition as assigned by the county legislative body placed in the blank;

1835 (e) state initiatives that have qualified for the ballot are listed [~~on the ballot label~~]
1836 under the heading "Citizen's State Initiative Number ___" with the number of the state initiative
1837 as assigned under Section 20A-7-209 placed in the blank;

1838 (f) county initiatives that have qualified for the ballot are listed [~~on the ballot label~~]
1839 under the heading "Citizen's County Initiative Number ___" with the number of the county
1840 initiative as assigned under Section 20A-7-508 placed in the blank;

1841 (g) state referenda that have qualified for the ballot are listed [~~on the ballot label~~] under
1842 the heading "Citizen's State Referendum Number ___" with the number of the state referendum
1843 as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank;

1844 (h) county referenda that have qualified for the ballot are listed [~~on the ballot label~~]
1845 under the heading "Citizen's County Referendum Number ___" with the number of the county
1846 referendum as assigned under Section 20A-7-608 placed in the blank; and

1847 (i) bond propositions that have qualified for the ballot are listed [~~on the ballot label~~]
1848 under the title assigned to each bond proposition under Section 11-14-206.

1849 Section 29. Section **20A-6-304** is enacted to read:

1850 **20A-6-304. Regular general election -- Electronic ballots.**

1851 (1) Each election officer shall ensure that:

1852 (a) the format and content of the electronic ballot is arranged in approximately the
1853 same order as paper ballots;

1854 (b) the titles of offices and the names of candidates are displayed in vertical columns or
1855 in a series of separate display screens;

1856 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

- 1857 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
1858 (ii) any ballot propositions submitted to the voters for their approval or rejection;
1859 (d) a voting square or position is included where the voter may record a straight party
1860 ticket vote for all the candidates of one party by making a single selection;
1861 (e) the tickets are displayed in the order determined by the county clerk;
1862 (f) the office titles are displayed above or at the side of the names of candidates so as to
1863 indicate clearly the candidates for each office and the number to be elected;
1864 (g) the party designation of each candidate is displayed adjacent to the candidate's
1865 name; and
1866 (h) if possible, all candidates for one office are grouped in one column or upon one
1867 display screen.
- 1868 (2) Each election officer shall ensure that:
- 1869 (a) proposed amendments to the Utah Constitution are displayed under the heading
1870 "Constitutional Amendment Number " with the number of the constitutional amendment as
1871 assigned under Section 20A-7-103 placed in the blank;
- 1872 (b) propositions submitted to the voters by the Utah Legislature are displayed under the
1873 heading "State Proposition Number " with the number of the state proposition as assigned
1874 under Section 20A-7-103 placed in the blank;
- 1875 (c) propositions submitted to the voters by a county are displayed under the heading
1876 "County Proposition Number " with the number of the county proposition as assigned by the
1877 county legislative body placed in the blank;
- 1878 (d) propositions submitted to the voters by a school district are displayed under the
1879 heading "School District Proposition Number " with the number of the school district
1880 proposition as assigned by the county legislative body placed in the blank;
- 1881 (e) state initiatives that have qualified for the ballot are displayed under the heading
1882 "Citizen's State Initiative Number " with the number of the state initiative as assigned under
1883 Section 20A-7-209 placed in the blank;
- 1884 (f) county initiatives that have qualified for the ballot are displayed under the heading
1885 "Citizen's County Initiative Number " with the number of the county initiative as assigned
1886 under Section 20A-7-508 placed in the blank;
- 1887 (g) state referenda that have qualified for the ballot are displayed under the heading

1888 "Citizen's State Referendum Number ____" with the number of the state referendum as assigned
1889 under Sections 20A-7-209 and 20A-7-308 placed in the blank;

1890 (h) county referenda that have qualified for the ballot are displayed under the heading

1891 "Citizen's County Referendum Number ____" with the number of the county referendum as

1892 assigned under Section 20A-7-608 placed in the blank; and

1893 (i) bond propositions that have qualified for the ballot are displayed under the title

1894 assigned to each bond proposition under Section 11-14-206.

1895 Section 30. Section **20A-6-401.1** is amended to read:

1896 **20A-6-401.1. Ballots for partisan municipal primary elections.**

1897 (1) If a municipality is using paper ballots, each election officer shall ensure that:

1898 (a) all paper ballots furnished for use at the regular primary election:

1899 (i) are perforated to separate the candidates of one political party from those of the
1900 other political parties so that the voter may separate the part of the ballot containing the names
1901 of the political party of the voter's choice from the rest of the ballot;

1902 (ii) have sides that are perforated so that the outside sections of the ballot, when
1903 detached, are similar in appearance to the inside sections of the ballot when detached; and

1904 (iii) contain no captions or other endorsements except as provided in this section;

1905 (b) the names of all candidates from each party are listed on the same ballot in one or
1906 more columns under their party name and emblem;

1907 (c) the political parties are printed on the ballot in the order determined by the county
1908 clerk;

1909 (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the
1910 top of the ballot;

1911 (ii) the ballot number and the words "~~Judge's~~ Poll Worker's Initials ____" are printed
1912 on the stub; and

1913 (iii) ballot stubs are numbered consecutively;

1914 (e) immediately below the perforated ballot stub, the following endorsements are
1915 printed in 18-point bold type:

1916 (i) "Official Primary Ballot for ____ County, Utah";

1917 (ii) the date of the election; and

1918 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

- 1919 (f) after the facsimile signature, the political party emblem and the name of the
1920 political party are printed;
- 1921 (g) after the party name and emblem, the ballot contains the following printed in not
1922 smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a
1923 candidate, place a cross (X) in the square at the right of the name of the person for whom you
1924 wish to vote and in no other place. Do not vote for any candidate listed under more than one
1925 party or group designation.", followed by two one-point parallel horizontal rules;
- 1926 (h) after the rules, the designation of the office for which the candidates seek
1927 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
1928 for two or more" are printed to extend to the extreme right of the column in ten-point bold type,
1929 followed by a hair-line rule;
- 1930 (i) after the hair-line rule, the names of the candidates are printed in heavy face type
1931 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
1932 and grouped according to the office that they seek;
- 1933 (j) a square with sides not less than 1/4 inch long is printed to the right of the names of
1934 the candidates;
- 1935 (k) the candidate groups are separated from each other by one light and one heavy line
1936 or rule; and
- 1937 (l) the nonpartisan candidates are listed as follows:
- 1938 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"
1939 is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of
1940 the party listing above; and
- 1941 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
1942 candidate's name, the voting square, and any other necessary information is printed in the same
1943 style and manner as for party candidates.
- 1944 (2) (a) If a municipality is using [~~machine counted~~] ballot sheets or electronic ballots,
1945 the election officer may require that:
- 1946 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary
1947 election consist of several groups of pages or display screens, so that a separate group can be
1948 used to list the names of candidates seeking nomination of each qualified political party, with
1949 additional groups used to list candidates for other nonpartisan offices;

1950 (ii) the separate groups of pages or display screens are identified by color or other
1951 suitable means; and

1952 (iii) the ballot or ballot label contain instructions that direct the voter how to vote the
1953 ballot.

1954 (b) If a municipality is using [~~machine counted~~] ballot sheets or electronic ballots, each
1955 election officer shall:

1956 (i) for municipalities using punch card ballots, ensure that the ballot label provides a
1957 [~~square~~] means for the voter to designate the political party in whose primary the voter is
1958 voting; and

1959 (ii) determine the order for printing the names of the political parties on the ballot
1960 label.

1961 Section 31. Section **20A-6-402** is amended to read:

1962 **20A-6-402. Ballots for municipal general elections.**

1963 (1) [~~Each election officer shall ensure, for~~] When using a paper [ballots] ballot at
1964 municipal general elections, each election officer shall ensure that:

1965 (a) the names of the two candidates who received the highest number of votes for
1966 mayor in the municipal primary are placed upon the ballot;

1967 (b) if no municipal primary election was held, the names of the candidates who filed
1968 declarations of candidacy for municipal offices are placed upon the ballot;

1969 (c) for other offices:

1970 (i) twice the number of candidates as there are positions to be filled are certified as
1971 eligible for election in the municipal general election from those candidates who received the
1972 greater number of votes in the primary election; and

1973 (ii) the names of those candidates are placed upon the municipal general election
1974 ballot;

1975 (d) a write-in area is placed upon the ballot that contains, for each office:

1976 (i) a blank, horizontal line to enable the entry of a valid write-in candidate; and

1977 (ii) a square or other conforming area that is adjacent to or opposite the blank

1978 horizontal line to enable the voter to indicate the voter's vote;

1979 [~~(d)~~] (e) propositions submitted to the voters by the municipality are listed on the ballot
1980 under the heading "City (or Town) Proposition Number __" with the number of the proposition

1981 as assigned by the municipal legislative body placed in the blank;

1982 ~~[(e)]~~ (f) municipal initiatives that have qualified for the ballot are listed on the ballot
 1983 under the heading "Citizen's City (or Town) Initiative Number ___" with the number of the
 1984 municipal initiative as assigned by Section 20A-7-508 placed in the blank;

1985 ~~[(f)]~~ (g) municipal referenda that have qualified for the ballot are listed on the ballot
 1986 under the heading "Citizen's City (or Town) Referendum Number ___" with the number of the
 1987 municipal referendum as assigned by Section 20A-7-608 placed in the blank; and

1988 ~~[(g)]~~ (h) bond propositions that have qualified for the ballot are listed on the ballot
 1989 under the title assigned to each bond proposition under Section 11-14-206.

1990 (2) ~~[Each]~~ When using a punch card ballot at municipal general elections, each election
 1991 officer shall ensure that:

1992 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
 1993 the top of the ballot;

1994 (ii) the ballot number and the words "~~[Judge's]~~ Poll Worker's Initial ____" are printed
 1995 on the stub; and

1996 (iii) ballot stubs are numbered consecutively;

1997 (b) immediately below the perforated ballot stub, the following endorsements are
 1998 printed in 18-point bold type:

1999 (i) "Official Ballot for ____ (City or Town), Utah";

2000 (ii) the date of the election; and

2001 (iii) a facsimile of the signature of the election officer and the election officer's title in
 2002 eight-point type; ~~[and]~~

2003 (c) immediately below the election officer's title, two one-point parallel horizontal
 2004 rules separate endorsements from the rest of the ballot;

2005 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
 2006 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the
 2007 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
 2008 office." followed by two one-point parallel rules;

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

2012 by a hair-line rule;

2013 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
2014 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
2015 and grouped according to the office that they seek;

2016 (g) a square with sides not less than 1/4 inch long is printed to the right of the names of
2017 the candidates;

2018 (h) following the name of the last candidate for each office, the ballot contains:

2019 (i) a write-in space for each elective office[~~;~~and] where the voter may enter the name
2020 of a valid write-in candidate; and

2021 (ii) a square printed to the right of the write-in space or line where the voter may vote
2022 for the valid write-in candidate; and

2023 (i) the candidate groups are separated from each other by one light and one heavy line
2024 or rule.

2025 (3) When using a ballot sheet other than a punch card ballot at municipal general
2026 elections, each election officer shall ensure that:

2027 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

2028 (ii) the ballot number and the words "Poll Worker's Initial _____" are printed on the
2029 stub; and

2030 (iii) ballot stubs are numbered consecutively;

2031 (b) immediately below the perforated ballot stub, the following endorsements are
2032 printed:

2033 (i) "Official Ballot for _____ (City or Town), Utah";

2034 (ii) the date of the election; and

2035 (iii) a facsimile of the signature of the election officer and the election officer's title;

2036 (c) immediately below the election officer's title, a distinct border or line separates
2037 endorsements from the rest of the ballot;

2038 (d) immediately below the border or line, an "Instructions to Voters" section is printed
2039 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
2040 candidate(s) for each respective office." followed by another border or line;

2041 (e) after the border or line, the designation of the office for which the candidates seek
2042 election is printed and the words: "Vote for one" or "Vote for two or more" are printed,

2043 followed by a line or border;

2044 (f) after the line or border, the names of the candidates are printed alphabetically
2045 according to surnames with surnames last and grouped according to the office that they seek;

2046 (g) an oval is printed adjacent to the names of the candidates;

2047 (h) following the name of the last candidate for each office, the ballot contains:

2048 (i) a write-in space or blank line for each elective office where the voter may enter the
2049 name of a valid write-in candidate; and

2050 (ii) an oval is printed adjacent to the write-in space or line where the voter may vote for
2051 the valid write-in candidate; and

2052 (i) the candidate groups are separated from each other by a line or border.

2053 (4) When using an electronic ballot at municipal general elections, each election officer
2054 shall ensure that:

2055 (a) the following endorsements are displayed on the first screen of the ballot:

2056 (i) "Official Ballot for _____ (City or Town), Utah";

2057 (ii) the date of the election; and

2058 (iii) a facsimile of the signature of the election officer and the election officer's title;

2059 (b) immediately below the election officer's title, a distinct border or line separates the
2060 endorsements from the rest of the ballot;

2061 (c) immediately below the border or line, an "Instructions to Voters" section is
2062 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
2063 the candidate(s) for each respective office." followed by another border or line;

2064 (d) after the border or line, the designation of the office for which the candidates seek
2065 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,
2066 followed by a line or border;

2067 (e) after the line or border, the names of the candidates are displayed alphabetically
2068 according to surnames with surnames last and grouped according to the office that they seek;

2069 (f) a square is printed adjacent to the names of the candidates;

2070 (g) following the name of the last candidate for each office, the ballot contains a
2071 write-in space where the voter may enter the name of and vote for a valid write-in candidate for
2072 the office; and

2073 (h) the candidate groups are separated from each other by a line or border.

2074 [~~(3)~~] (5) When a municipality has chosen to nominate candidates by convention or
2075 committee, the election officer shall ensure that the party name is included with the candidate's
2076 name on the ballot.

2077 Section 32. Section **20A-9-806** is amended to read:

2078 **20A-9-806. Ballots.**

2079 (1) The lieutenant governor, together with county clerks, suppliers of election
2080 materials, and representatives of registered political parties, shall:

2081 (a) develop paper ballots, ballot labels, ballot [~~cards~~] sheets, electronic ballots, and
2082 provisional ballot envelopes to be used in Utah's Western States Presidential Primary;

2083 (b) ensure that the paper ballots, ballot labels, ballot [~~cards~~] sheets, electronic ballots,
2084 and provisional ballot envelopes comply generally with the requirements of Title 20A, Chapter
2085 6, Part 1, General Requirements for All Ballots; and

2086 (c) provide voting booths, election records and supplies, and ballot boxes for each
2087 voting precinct as required by Section 20A-5-403.

2088 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
2089 Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant
2090 governor, together with county clerks, suppliers of election materials, and representatives of
2091 registered political parties shall ensure that the paper ballots, ballot labels, ballot [~~cards~~] sheets,
2092 electronic ballots, provisional ballot envelopes, and voting booths, election records and
2093 supplies, and ballot boxes:

2094 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

2095 (ii) simplify the task of [~~election judges~~] poll workers, particularly in determining a
2096 voter's party affiliation;

2097 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

2098 (iv) protect against fraud.

2099 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2100 county clerks, suppliers of election materials, and representatives of registered political parties
2101 shall:

2102 (i) mark, prepunch, or otherwise identify ballot [~~cards~~] sheets as being for a particular
2103 registered political party; and

2104 (ii) instruct persons counting the ballots to count only those votes for candidates from

2105 the registered political party whose ballot the voter received.

2106 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2107 county clerks, suppliers of election materials, and representatives of registered political parties
2108 may:

2109 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use
2110 different colored ballot [~~cards~~] sheets for each registered political party;

2111 (ii) place ballot labels or ballots for each registered political party in different voting
2112 booths and direct voters to the particular voting booth for the political party whose ballot they
2113 are voting; or

2114 (iii) consider other means of accomplishing the objectives outlined in Subsection
2115 (2)(a).

2116 Section 33. Section **20A-9-808** is amended to read:

2117 **20A-9-808. Voting.**

2118 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary
2119 shall give his name, the name of the registered political party whose ballot the voter wishes to
2120 vote, and, if requested, his residence, to one of the [~~election judges~~] poll workers.

2121 (b) If [~~an election judge~~] a poll worker does not know the person requesting a ballot
2122 and has reason to doubt that person's identity, the judge shall request identification or have the
2123 voter identified by a known registered voter of the district.

2124 (c) If the person's right to vote is challenged as provided in Section 20A-3-202, the
2125 [~~judge~~] poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

2126 (2) (a) (i) When the voter is properly identified, the [~~election judge~~] poll worker in
2127 charge of the official register shall check the official register to determine:

2128 (A) whether or not the person is registered to vote; and

2129 (B) whether or not the person's party affiliation designation in the official register
2130 allows the voter to vote the ballot that the voter requested.

2131 (ii) If the official register does not affirmatively identify the voter as being affiliated
2132 with a registered political party or if the official register identifies the voter as being
2133 "unaffiliated," the voter shall be considered to be "unaffiliated."

2134 (b) If the voter's name is not found on the official register, the [~~election judge~~] poll
2135 worker shall follow the procedures and requirements of Section 20A-3-105.5.

2136 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
2137 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
2138 requested, the ~~[election judge]~~ poll worker shall inform the voter of that fact and inform the
2139 voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

2140 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
2141 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
2142 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
2143 ballot that the voter requests, the ~~[election judge]~~ poll worker shall ask the voter if the voter
2144 wishes to affiliate with the registered political party whose ballot the voter requested, vote
2145 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
2146 remain "unaffiliated."

2147 (B) If the voter wishes to affiliate with the registered political party whose ballot the
2148 voter requested, the ~~[election judge]~~ poll worker shall enter in the official register the voter's
2149 new party affiliation and proceed as required by Subsection (3).

2150 (C) If the voter wishes to vote another registered political party ballot that the
2151 unaffiliated voter is authorized to vote, the ~~[election judge]~~ poll worker shall proceed as
2152 required by Subsection (3).

2153 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
2154 that unaffiliated voters are authorized to vote, the ~~[election judge]~~ poll worker shall instruct the
2155 voter that the voter may not vote.

2156 (3) If the ~~[election judge]~~ poll worker determines that the voter is registered and
2157 eligible, under Subsection (2), to vote the ballot that the voter requested and:

2158 (a) if the ballot is a paper ballot or a ballot sheet:

2159 ~~[(a)]~~ (i) the ~~[election judge]~~ poll worker in charge of the official register shall:

2160 ~~[(i)]~~ (A) write the ballot number and the name of the registered political party whose
2161 ballot the voter voted opposite the name of the voter in the official register; and

2162 ~~[(ii)]~~ (B) direct the voter to sign his name in the election column in the official register;

2163 ~~[(b)]~~ (ii) another ~~[judge]~~ poll worker shall list the ballot number and voter's name in the
2164 pollbook; and

2165 ~~[(c)]~~ (iii) the ~~[election judge]~~ poll worker having charge of the ballots shall:

2166 ~~[(i)]~~ (A) endorse his initials on the stub;

2167 [(iv)] (B) check the name of the voter on the pollbook list with the number of the stub;

2168 [(iii)] (C) hand the voter the ballot for the registered political party that the voter

2169 requested and for which the voter is authorized to vote; and

2170 [(iv)] (D) allow the voter to enter the voting booth[-]; or

2171 (b) if the ballot is an electronic ballot:

2172 (i) the poll worker in charge of the official register shall direct the voter to sign the

2173 voter's name in the official register;

2174 (ii) another poll worker shall list the voter's name in the pollbook; and

2175 (iii) the poll worker having charge of the ballots shall:

2176 (A) provide the voter access to the electronic ballot for the registered political party

2177 that the voter requested and for which the voter is authorized to vote; and

2178 (B) allow the voter to vote the electronic ballot.

2179 (4) Whenever the election officer is required to furnish more than one kind of official

2180 ballot to the voting precinct, the ~~[election judges]~~ poll workers of that voting precinct shall give

2181 the registered voter the kind of ballot that the voter is qualified to vote.

2182 Section 34. **Repealer.**

2183 This bill repeals:

2184 Section **20A-6-104, Electronic ballots and electronic voting.**

Legislative Review Note

as of 1-25-06 2:09 PM

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