

Representative Steve Eliason proposes the following substitute bill:

VOTE BY MAIL AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code to provide that all elections, except for an exempt jurisdiction, are conducted by absentee ballot, with the option of voting at an election day voting center on election day.

Highlighted Provisions:

This bill:

- ▶ provides that, except for voting that occurs at an election day voting center on election day, or an election in an exempt jurisdiction, all elections be conducted by absentee ballot;
- ▶ provides that, except for a voter in an exempt jurisdiction, a voter who is not temporarily absent from the voter's voting precinct is not required to submit an application to receive an absentee ballot;
- ▶ establishes procedures for administering and conducting an election described in this bill, including procedures relating to an election day voting center;
- ▶ provides that provisions related to early voting apply only to an exempt jurisdiction;
- ▶ establishes procedures and criteria for becoming an exempt jurisdiction; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill takes effect on October 1, 2015.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-1-102**, as last amended by Laws of Utah 2013, Chapter 320

32 **20A-1-302**, as last amended by Laws of Utah 2006, Chapter 264

33 **20A-3-104**, as last amended by Laws of Utah 2010, Chapter 197

34 **20A-3-104.5**, as last amended by Laws of Utah 2011, Chapter 335

35 **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75

36 **20A-3-105.5**, as last amended by Laws of Utah 2013, Chapter 390

37 **20A-3-106**, as last amended by Laws of Utah 2006, Chapter 326

38 **20A-3-107**, as last amended by Laws of Utah 2007, Chapter 75

39 **20A-3-108**, as last amended by Laws of Utah 2011, Chapter 366

40 **20A-3-109**, as last amended by Laws of Utah 2007, Chapter 75

41 **20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388

42 **20A-3-202.3**, as enacted by Laws of Utah 2010, Chapter 83

43 **20A-3-202.5**, as enacted by Laws of Utah 2010, Chapter 83

44 **20A-3-301**, as last amended by Laws of Utah 2013, Chapter 198

45 **20A-3-304**, as last amended by Laws of Utah 2013, Chapters 198, 218 and last

46 amended by Coordination Clause, Laws of Utah 2013, Chapter 198

47 **20A-3-304.1**, as last amended by Laws of Utah 2008, Chapter 382

48 **20A-3-305**, as last amended by Laws of Utah 2012, Chapter 309

49 **20A-3-306**, as last amended by Laws of Utah 2013, Chapters 198, 219, 320 and last

50 amended by Coordination Clause, Laws of Utah 2013, Chapter 198

51 **20A-3-306.5**, as last amended by Laws of Utah 2013, Chapter 219

52 **20A-3-307**, as last amended by Laws of Utah 2012, Chapter 309

53 **20A-3-308**, as last amended by Laws of Utah 2012, Chapter 309

54 **20A-3-601**, as last amended by Laws of Utah 2013, Chapter 182

55 **20A-3-602**, as last amended by Laws of Utah 2013, Chapter 182

56 **20A-3-603**, as last amended by Laws of Utah 2013, Chapter 182

- 57 **20A-3-604**, as last amended by Laws of Utah 2013, Chapter 182
- 58 **20A-3-605**, as last amended by Laws of Utah 2013, Chapter 320
- 59 **20A-3-702**, as last amended by Laws of Utah 2013, Chapter 198
- 60 **20A-3-703**, as enacted by Laws of Utah 2011, Chapter 291
- 61 **20A-5-605**, as last amended by Laws of Utah 2007, Chapter 75

62 REPEALS:

- 63 **20A-3-302**, as last amended by Laws of Utah 2013, Chapter 320



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

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

67 **20A-1-102. Definitions.**

68 As used in this title:

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

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

73 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
74 upon which a voter records the voter's votes.

75 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
76 envelopes.

77 (4) "Ballot sheet":

78 (a) means a ballot that:

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

80 (ii) can be counted using automatic tabulating equipment; and

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

82 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

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

85 (b) are used in conjunction with ballot sheets that do not display that information.

86 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
87 on the ballot for their approval or rejection including:

- 88 (a) an opinion question specifically authorized by the Legislature;
- 89 (b) a constitutional amendment;
- 90 (c) an initiative;
- 91 (d) a referendum;
- 92 (e) a bond proposition;
- 93 (f) a judicial retention question;
- 94 (g) an incorporation of a city or town; or
- 95 (h) any other ballot question specifically authorized by the Legislature.
- 96 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 97 together with a staple or stitch in at least three places across the top of the paper in the blank
- 98 space reserved for securing the paper.
- 99 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 100 [20A-4-306](#) to canvass election returns.
- 101 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 102 the proposed issuance of bonds by a government entity.
- 103 (10) "Book voter registration form" means voter registration forms contained in a
- 104 bound book that are used by election officers and registration agents to register persons to vote.
- 105 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 106 charge by the sender.
- 107 (12) "By-mail voter registration form" means a voter registration form designed to be
- 108 completed by the voter and mailed to the election officer.
- 109 (13) "Canvass" means the review of election returns and the official declaration of
- 110 election results by the board of canvassers.
- 111 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 112 the canvass.
- 113 (15) "Contracting election officer" means an election officer who enters into a contract
- 114 or interlocal agreement with a provider election officer.
- 115 (16) "Convention" means the political party convention at which party officers and
- 116 delegates are selected.
- 117 (17) "Counting center" means one or more locations selected by the election officer in
- 118 charge of the election for the automatic counting of ballots.

119 (18) "Counting judge" means a poll worker designated to count the ballots during
120 election day.

121 (19) "Counting poll watcher" means a person selected as provided in Section
122 20A-3-201 to witness the counting of ballots.

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

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

128 (22) "Date of the election" or "election day" or "day of the election":

129 (a) means the day that is specified in the calendar year as the day that the election
130 occurs; and

131 (b) does not include:

132 (i) deadlines established for absentee voting; or

133 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
134 Voting.

135 (23) "Elected official" means:

136 (a) a person elected to an office under Section 20A-1-303;

137 (b) a person who is considered to be elected to a municipal office in accordance with
138 Subsection 20A-1-206(1)(c)(ii); or

139 (c) a person who is considered to be elected to a local district office in accordance with
140 Subsection 20A-1-206(3)(c)(ii).

141 (24) "Election" means a regular general election, a municipal general election, a
142 statewide special election, a local special election, a regular primary election, a municipal
143 primary election, and a local district election.

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

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

148 (27) "Election judge" means a poll worker that is assigned to:

149 (a) preside over other poll workers at a polling place;

- 150 (b) act as the presiding election judge; or
- 151 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 152 (28) "Election officer" means:
- 153 (a) the lieutenant governor, for all statewide ballots and elections;
- 154 (b) the county clerk for:
- 155 (i) a county ballot and election; and
- 156 (ii) a ballot and election as a provider election officer as provided in Section
- 157 [20A-5-400.1](#) or [20A-5-400.5](#);
- 158 (c) the municipal clerk for:
- 159 (i) a municipal ballot and election; and
- 160 (ii) a ballot and election as a provider election officer as provided in Section
- 161 [20A-5-400.1](#) or [20A-5-400.5](#);
- 162 (d) the local district clerk or chief executive officer for:
- 163 (i) a local district ballot and election; and
- 164 (ii) a ballot and election as a provider election officer as provided in Section
- 165 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 166 (e) the business administrator or superintendent of a school district for:
- 167 (i) a school district ballot and election; and
- 168 (ii) a ballot and election as a provider election officer as provided in Section
- 169 [20A-5-400.1](#) or [20A-5-400.5](#).
- 170 (29) "Election official" means any election officer, election judge, or poll worker.
- 171 (30) "Election results" means:
- 172 (a) for an election other than a bond election, the count of votes cast in the election and
- 173 the election returns requested by the board of canvassers; or
- 174 (b) for bond elections, the count of those votes cast for and against the bond
- 175 proposition plus any or all of the election returns that the board of canvassers may request.
- 176 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 177 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 178 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 179 form, and the total votes cast form.
- 180 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting

181 device or other voting device that records and stores ballot information by electronic means.

182 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
183 or logically associated with a record and executed or adopted by a person with the intent to sign
184 the record.

185 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

186 (b) "Electronic voting device" includes a direct recording electronic voting device.

187 (35) "Exempt jurisdiction" means a county, a municipality, or a local district that
188 receives an exemption, under Subsection [20A-3-104\(9\)](#), from the requirements of Subsections
189 [20A-3-104\(1\)](#) through (4).

190 [~~35~~] (36) "Inactive voter" means a registered voter who has:

191 (a) been sent the notice required by Section [20A-2-306](#); and

192 (b) failed to respond to that notice.

193 [~~36~~] (37) "Inspecting poll watcher" means a person selected as provided in this title to
194 witness the receipt and safe deposit of voted and counted ballots.

195 [~~37~~] (38) "Judicial office" means the office filled by any judicial officer.

196 [~~38~~] (39) "Judicial officer" means any justice or judge of a court of record or any
197 county court judge.

198 [~~39~~] (40) "Local district" means a local government entity under Title 17B, Limited
199 Purpose Local Government Entities - Local Districts, and includes a special service district
200 under Title 17D, Chapter 1, Special Service District Act.

201 [~~40~~] (41) "Local district officers" means those local district officers that are required
202 by law to be elected.

203 [~~41~~] (42) "Local election" means a regular municipal election, a local special
204 election, a local district election, and a bond election.

205 [~~42~~] (43) "Local political subdivision" means a county, a municipality, a local
206 district, or a local school district.

207 [~~43~~] (44) "Local special election" means a special election called by the governing
208 body of a local political subdivision in which all registered voters of the local political
209 subdivision may vote.

210 [~~44~~] (45) "Municipal executive" means:

211 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

212 or

213 (b) the mayor in the council-manager form of government defined in Subsection
214 10-3b-103(6).

215 [~~(45)~~] (46) "Municipal general election" means the election held in municipalities and
216 local districts on the first Tuesday after the first Monday in November of each odd-numbered
217 year for the purposes established in Section 20A-1-202.

218 [~~(46)~~] (47) "Municipal legislative body" means the council of the city or town in any
219 form of municipal government.

220 [~~(47)~~] (48) "Municipal office" means an elective office in a municipality.

221 [~~(48)~~] (49) "Municipal officers" means those municipal officers that are required by
222 law to be elected.

223 [~~(49)~~] (50) "Municipal primary election" means an election held to nominate
224 candidates for municipal office.

225 [~~(50)~~] (51) "Official ballot" means the ballots distributed by the election officer to the
226 poll workers to be given to voters to record their votes.

227 [~~(51)~~] (52) "Official endorsement" means:

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

229 (i) the ballot as an official ballot;

230 (ii) the date of the election; and

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

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

233 (i) the poll worker's initials; and

234 (ii) the ballot number.

235 [~~(52)~~] (53) "Official register" means the official record furnished to election officials
236 by the election officer that contains the information required by Section 20A-5-401.

237 [~~(53)~~] (54) "Paper ballot" means a paper that contains:

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

240 (b) spaces for the voter to record the voter's vote for each office and for or against each
241 ballot proposition.

242 [~~(54)~~] (55) "Political party" means an organization of registered voters that has

243 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
244 Formation and Procedures.

245 ~~[(55)]~~ (56) (a) "Poll worker" means a person assigned by an election official to assist
246 with an election, voting, or counting votes.

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

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

249 ~~[(56)]~~ (57) "Pollbook" means a record of the names of voters in the order that they
250 appear to cast votes.

251 ~~[(57)]~~ (58) "Polling place" means the building where voting is conducted.

252 ~~[(58)]~~ (59) "Position" means a square, circle, rectangle, or other geometric shape on a
253 ballot in which the voter marks the voter's choice.

254 ~~[(59)]~~ (60) "Provider election officer" means an election officer who enters into a
255 contract or interlocal agreement with a contracting election officer to conduct an election for
256 the contracting election officer's local political subdivision in accordance with Section
257 [20A-5-400.1](#).

258 ~~[(60)]~~ (61) "Provisional ballot" means a ballot voted provisionally by a person:

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

260 (b) whose legal right to vote is challenged as provided in this title; or

261 (c) whose identity was not sufficiently established by a poll worker.

262 ~~[(61)]~~ (62) "Provisional ballot envelope" means an envelope printed in the form
263 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
264 information to verify a person's legal right to vote.

265 ~~[(62)]~~ (63) "Primary convention" means the political party conventions at which
266 nominees for the regular primary election are selected.

267 ~~[(63)]~~ (64) "Protective counter" means a separate counter, which cannot be reset, that:

268 (a) is built into a voting machine; and

269 (b) records the total number of movements of the operating lever.

270 ~~[(64)]~~ (65) "Qualify" or "qualified" means to take the oath of office and begin
271 performing the duties of the position for which the person was elected.

272 ~~[(65)]~~ (66) "Receiving judge" means the poll worker that checks the voter's name in the
273 official register, provides the voter with a ballot, and removes the ballot stub from the ballot

274 after the voter has voted.

275 ~~[(66)]~~ (67) "Registration form" means a book voter registration form and a by-mail
276 voter registration form.

277 ~~[(67)]~~ (68) "Regular ballot" means a ballot that is not a provisional ballot.

278 ~~[(68)]~~ (69) "Regular general election" means the election held throughout the state on
279 the first Tuesday after the first Monday in November of each even-numbered year for the
280 purposes established in Section 20A-1-201.

281 ~~[(69)]~~ (70) "Regular primary election" means the election on the fourth Tuesday of
282 June of each even-numbered year, to nominate candidates of political parties and nonpolitical
283 groups to advance to the regular general election.

284 ~~[(70)]~~ (71) "Resident" means a person who resides within a specific voting precinct in
285 Utah.

286 ~~[(71)]~~ (72) "Sample ballot" means a mock ballot similar in form to the official ballot
287 printed and distributed as provided in Section 20A-5-405.

288 ~~[(72)]~~ (73) "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 ~~[(73)]~~ (74) "Secrecy envelope" means the envelope given to a voter along with the
292 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
293 secrecy of the voter's vote.

294 ~~[(74)]~~ (75) "Special election" means an election held as authorized by Section
295 20A-1-203.

296 ~~[(75)]~~ (76) "Spoiled ballot" means each ballot that:

297 (a) is spoiled by the voter;

298 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

299 (c) lacks the official endorsement.

300 ~~[(76)]~~ (77) "Statewide special election" means a special election called by the governor
301 or the Legislature in which all registered voters in Utah may vote.

302 ~~[(77)]~~ (78) "Stub" means the detachable part of each ballot.

303 ~~[(78)]~~ (79) "Substitute ballots" means replacement ballots provided by an election
304 officer to the poll workers when the official ballots are lost or stolen.

305 [~~(79)~~] (80) "Ticket" means each list of candidates for each political party or for each
306 group of petitioners.

307 [~~(80)~~] (81) "Transfer case" means the sealed box used to transport voted ballots to the
308 counting center.

309 [~~(81)~~] (82) "Vacancy" means the absence of a person to serve in any position created
310 by statute, whether that absence occurs because of death, disability, disqualification,
311 resignation, or other cause.

312 [~~(82)~~] (83) "Valid voter identification" means:

313 (a) a form of identification that bears the name and photograph of the voter which may
314 include:

315 (i) a currently valid Utah driver license;

316 (ii) a currently valid identification card that is issued by:

317 (A) the state; or

318 (B) a branch, department, or agency of the United States;

319 (iii) a currently valid Utah permit to carry a concealed weapon;

320 (iv) a currently valid United States passport; or

321 (v) a currently valid United States military identification card;

322 (b) one of the following identification cards, whether or not the card includes a
323 photograph of the voter:

324 (i) a valid tribal identification card;

325 (ii) a Bureau of Indian Affairs card; or

326 (iii) a tribal treaty card; or

327 (c) two forms of identification not listed under Subsection [~~(82)~~] (83)(a) or (b) but that
328 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
329 which may include:

330 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
331 election;

332 (ii) a bank or other financial account statement, or a legible copy thereof;

333 (iii) a certified birth certificate;

334 (iv) a valid Social Security card;

335 (v) a check issued by the state or the federal government or a legible copy thereof;

- 336 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 337 (vii) a currently valid Utah hunting or fishing license;
- 338 (viii) certified naturalization documentation;
- 339 (ix) a currently valid license issued by an authorized agency of the United States;
- 340 (x) a certified copy of court records showing the voter's adoption or name change;
- 341 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 342 (xii) a currently valid identification card issued by:
 - 343 (A) a local government within the state;
 - 344 (B) an employer for an employee; or
 - 345 (C) a college, university, technical school, or professional school located within the
 - 346 state; or
 - 347 (xiii) a current Utah vehicle registration.

348 [~~(83)~~] (84) "Valid write-in candidate" means a candidate who has qualified as a
349 write-in candidate by following the procedures and requirements of this title.

350 [~~(84)~~] (85) "Voter" means a person who:

- 351 (a) meets the requirements for voting in an election;
- 352 (b) meets the requirements of election registration;
- 353 (c) is registered to vote; and
- 354 (d) is listed in the official register book.

355 [~~(85)~~] (86) "Voter registration deadline" means the registration deadline provided in
356 Section [20A-2-102.5](#).

357 [~~(86)~~] (87) "Voting area" means the area within six feet of the voting booths, voting
358 machines, and ballot box.

359 [~~(87)~~] (88) "Voting booth" means:

- 360 (a) the space or compartment within a polling place that is provided for the preparation
361 of ballots, including the voting machine enclosure or curtain; or
- 362 (b) a voting device that is free standing.

363 [~~(88)~~] (89) "Voting device" means:

- 364 (a) an apparatus in which ballot sheets are used in connection with a punch device for
365 piercing the ballots by the voter;
- 366 (b) a device for marking the ballots with ink or another substance;

367 (c) an electronic voting device or other device used to make selections and cast a ballot
368 electronically, or any component thereof;

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

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

372 [(89)] (90) "Voting machine" means a machine designed for the sole purpose of
373 recording and tabulating votes cast by voters at an election.

374 [(90)] (91) "Voting poll watcher" means a person appointed as provided in this title to
375 witness the distribution of ballots and the voting process.

376 [(91)] (92) "Voting precinct" means the smallest voting unit established as provided by
377 law within which qualified voters vote at one polling place.

378 [(92)] (93) "Watcher" means a voting poll watcher, a counting poll watcher, an
379 inspecting poll watcher, and a testing watcher.

380 [(93)] (94) "Western States Presidential Primary" means the election established in
381 Chapter 9, Part 8, Western States Presidential Primary.

382 [(94)] (95) "Write-in ballot" means a ballot containing any write-in votes.

383 [(95)] (96) "Write-in vote" means a vote cast for a person whose name is not printed on
384 the ballot according to the procedures established in this title.

385 Section 2. Section 20A-1-302 is amended to read:

386 **20A-1-302. Opening and closing of polls on election day.**

387 (1) Polls at all [~~elections on the date of the election shall~~] election day voting centers,
388 and all polling places for an exempt jurisdiction, shall, on the day of the election, open at 7
389 a.m. and [~~shall~~] remain open until 8 p.m. of the same day.

390 (2) The election judges shall allow every voter who arrives at [~~the polls~~] an election
391 day voting center or another polling place by 8 p.m. to vote.

392 Section 3. Section 20A-3-104 is amended to read:

393 **20A-3-104. Manner of voting -- Absentee ballot -- Election day voting center.**

394 (1) Except for voting that occurs at an election day voting center, all elections shall be
395 conducted by absentee ballot.

396 (2) The election officer shall mail to each registered voter:

397 (a) an absentee ballot;

398 (b) a statement that there will be no polling place for voting on the day of election
399 except the election day voting center to which the voter's voting precinct is assigned;

400 (c) the address of the election day voting center to which the voter's voting precinct is
401 assigned;

402 (d) a business reply mail envelope;

403 (e) instructions for returning the ballot that include an express notice about any
404 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

405 (f) a warning, on a separate page of colored paper in boldface print, indicating that if
406 the voter fails to follow the instructions included with the absentee ballot, the voter will be
407 unable to vote in that election on election day unless the voter votes at the election day voting
408 center to which the voter's voting precinct is assigned.

409 (3) The election officer shall:

410 (a) (i) before the election, obtain, in person, the signatures of each voter who is eligible
411 to vote in the election; or

412 (ii) obtain the signature of each voter from the county clerk; and

413 (b) maintain the signatures on file in the election officer's office.

414 (4) (a) Upon receiving the returned absentee ballots, the election officer shall compare
415 the signature on each absentee ballot with the voter's signature that is maintained on file and
416 verify that the signatures are the same.

417 (b) If the election officer questions the authenticity of the signature on the absentee
418 ballot, the election officer shall immediately contact the voter to verify the signature.

419 (c) If the election officer determines that the signature on the absentee ballot does not
420 match the voter's signature that is maintained on file, the election officer shall:

421 (i) unless the absentee ballot application deadline described in Section [20A-3-304](#) has
422 passed, immediately send to the voter another absentee ballot and other voting materials as
423 required by this section; and

424 (ii) disqualify the initial absentee ballot.

425 (5) For voting at an election day voting center or another polling place:

426 [(+)] (a) [~~Any~~] any registered voter desiring to vote shall give the voter's name, and, if
427 requested, the voter's residence, to one of the poll workers[?];

428 (b) [~~The~~] the voter shall present valid voter identification to one of the poll workers[?];

429 (c) ~~[H]~~ if the poll worker is not satisfied that the voter has presented valid voter
430 identification, the poll worker shall:

431 (i) indicate on the official register that the voter was not properly identified;
432 (ii) issue the voter a provisional ballot;
433 (iii) notify the voter that the voter will have until the close of normal office hours on
434 Monday after the day of the election to present valid voter identification:

435 (A) to the county clerk at the county clerk's office; or

436 (B) to an election officer who is administering the election; and

437 (iv) follow the procedures and requirements of Section 20A-3-105.5~~[-]~~; and

438 (d) ~~[If the person's]~~ if the voter's right to vote is challenged as provided in Section
439 20A-3-202, the poll worker shall follow the procedures and requirements of Section
440 20A-3-105.5.

441 ~~[(2)]~~ (6) For voting at an election day voting center or another polling place:

442 (a) ~~[The]~~ the poll worker in charge of the official register shall check the official
443 register to determine whether or not a person is registered to vote~~[-]~~; and

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

446 ~~[(3)-H]~~ (7) For voting at an election day voting center or another polling place, if the
447 poll worker determines that the voter is registered and:

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

449 (i) the poll worker in charge of the official register shall:

450 (A) write the ballot number opposite the name of the voter in the official register; and

451 (B) direct the voter to sign the voter's name in the election column in the official
452 register;

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

454 and

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

456 (A) endorse the poll worker's initials on the stub;

457 (B) check the name of the voter on the pollbook list with the number of the stub;

458 (C) hand the voter a ballot; and

459 (D) allow the voter to enter the voting booth; or

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

461 (i) the poll worker in charge of the official register shall direct the voter to sign the
462 voter's name in the official register;

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

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

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

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

467 ~~[(4)]~~ (8) Whenever the election officer is required to furnish more than one kind of
468 official ballot to ~~[the voting precinct]~~ an election day voting center or another polling place, the
469 poll workers of that ~~[voting precinct]~~ election day voting center or other polling place shall
470 give the registered voter the kind of ballot that the voter is qualified to vote.

471 (9) (a) The provisions of Subsections (1) through (4) do not apply to an election for a
472 county, a municipality, or a local district that is granted an exemption from those provisions by
473 the lieutenant governor.

474 (b) In order to obtain an exemption under Subsection (9)(a), the county, municipality,
475 or local district shall apply for the exemption by submitting an application to the lieutenant
476 governor that:

477 (i) requests the exemption; and

478 (ii) states the grounds for the exemption, as described in Subsection (9)(c).

479 (c) The lieutenant governor may grant an exemption described in this Subsection (9) if
480 the county, municipality, or local district establishes that the exemption will:

481 (i) likely result in better voter turnout;

482 (ii) likely result in a cost savings; or

483 (iii) be beneficial for another compelling reason.

484 Section 4. Section **20A-3-104.5** is amended to read:

485 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**
486 **Primary.**

487 (1) For voting at an election day voting center or another polling place:

488 (a) ~~[Any]~~ any registered voter desiring to vote at the regular primary election or Utah's
489 Western States Presidential Primary shall give the voter's name, the name of the registered
490 political party whose ballot the voter wishes to vote, and, if requested, the voter's residence, to

491 one of the poll workers[-];

492 (b) [~~The~~] the voter shall present valid voter identification to one of the poll workers[-];

493 and

494 (c) (i) [~~The~~] the poll worker shall follow the procedures and requirements of Section

495 [20A-3-105.5](#) if:

496 (A) the poll worker is not satisfied that the voter presented valid voter identification; or

497 (B) the voter's right to vote is challenged under Section [20A-3-202](#)[-]; and

498 (ii) [~~The~~] the poll worker shall notify a voter casting a provisional ballot under Section

499 [20A-3-105.5](#) because of failure to present valid voter identification that the voter has until the

500 close of normal office hours on Monday after the day of the election to [~~:(A)] present valid~~

501 voter identification to:

502 (A) the county clerk at the county clerk's office; or

503 (B) an election officer who is administering the election.

504 (2) For voting at an election day voting center or another polling place:

505 (a) (i) [~~Hf~~] if the voter is properly identified, the poll worker in charge of the official

506 register shall check the official register to determine:

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

508 (B) whether or not the voter's party affiliation designation in the official register allows

509 the voter to vote the ballot that the voter requested[-]; and

510 (ii) [~~Hf~~] if the official register does not affirmatively identify the voter as being

511 affiliated with a registered political party or if the official register identifies the voter as being

512 "unaffiliated," the voter shall be considered to be "unaffiliated[-]";

513 (b) (i) [~~Except~~] except as provided in Subsection (2)(b)(ii), if the voter's name is not

514 found on the official register, the poll worker shall follow the procedures and requirements of

515 Section [20A-3-105.5](#)[-]; and

516 (ii) (A) [~~Hf~~] if it is not unduly disruptive of the election process, the poll worker shall

517 attempt to contact the county clerk's office to request oral verification of the voter's

518 registration[-]; and

519 (B) [~~Hf~~] if oral verification is received from the county clerk's office, the poll worker

520 shall:

521 (I) record the verification on the official register;

522 (II) determine the voter's party affiliation and the ballot that the voter is qualified to
523 vote; and

524 (III) perform the other administrative steps required by Subsection (3)[:]; and

525 (c) (i) [~~Except~~] except as provided in Subsection (2)(c)(ii), if the voter's political party
526 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
527 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot
528 or ballots that the voter's party affiliation does allow the voter to vote[:]; and

529 (ii) (A) [~~Hf~~] if the voter is listed in the official register as "unaffiliated," or if the official
530 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
531 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
532 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
533 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
534 remain "unaffiliated[:]";

535 (B) [~~Hf~~] if the voter wishes to vote another registered political party ballot that the
536 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
537 (3)[:]; and

538 (C) [~~Hf~~] if the voter wishes to remain unaffiliated and does not wish to vote another
539 ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that
540 the voter may not vote.

541 (3) [~~Hf~~] For voting at an election day voting center or another polling place, if the poll
542 worker determines that the voter is registered and eligible, under Subsection (2), to vote the
543 ballot that the voter requested and:

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

545 (i) the poll worker in charge of the official register shall:

546 (A) write the ballot number and the name of the registered political party whose ballot
547 the voter voted opposite the name of the voter in the official register; and

548 (B) direct the voter to sign the voter's name in the election column in the official
549 register;

550 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
551 and

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

- 553 (A) endorse the voter's initials on the stub;
- 554 (B) check the name of the voter on the pollbook list with the number of the stub;
- 555 (C) hand the voter the ballot for the registered political party that the voter requested
- 556 and for which the voter is authorized to vote; and
- 557 (D) allow the voter to enter the voting booth; or
- 558 (b) if the ballot is an electronic ballot:
- 559 (i) the poll worker in charge of the official register shall direct the voter to sign the
- 560 voter's name in the official register;
- 561 (ii) another poll worker shall list the voter's name in the pollbook; and
- 562 (iii) the poll worker having charge of the ballots shall:
- 563 (A) provide the voter access to the electronic ballot for the registered political party
- 564 that the voter requested and for which the voter is authorized to vote; and
- 565 (B) allow the voter to vote the electronic ballot.
- 566 (4) Whenever the election officer is required to furnish more than one kind of official
- 567 ballot to [~~the voting precinct~~] an election day voting center or another polling place, the poll
- 568 workers of that [~~voting precinct~~] election day voting center or another polling place shall give
- 569 the registered voter the kind of ballot that the voter is qualified to vote.
- 570 Section 5. Section **20A-3-105** is amended to read:
- 571 **20A-3-105. Marking and depositing ballots.**
- 572 For voting at an election day voting center or another polling place:
- 573 (1) (a) [~~Hf~~] if a paper ballot is used, the voter, upon receipt of the ballot, shall go to a
- 574 voting booth and prepare the voter's ballot by marking the appropriate position with a mark
- 575 opposite the name of each candidate of the voter's choice for each office to be filled[-:];
- 576 (b) [~~A~~] a mark is not required opposite the name of a write-in candidate[-:];
- 577 (c) [~~Hf~~] if a ballot proposition is submitted to a vote of the people, the voter shall mark
- 578 in the appropriate square with a mark opposite the answer the voter intends to make[-:]; and
- 579 (d) [~~Before~~] before leaving the booth, the voter shall:
- 580 (i) fold the ballot so that its contents are concealed and the stub can be removed; and
- 581 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
- 582 envelope and complete the information printed on the envelope[-:];
- 583 (2) (a) (i) [~~Hf~~] if a punch card ballot is used, the voter shall insert the ballot sheet into

584 the voting device and mark the ballot sheet according to the instructions provided on the
585 device[-];

586 (ii) [~~Hf~~] if the voter is issued a ballot sheet with a long stub without a secrecy envelope,
587 the voter shall record any write-in votes on the long stub[-]; and

588 (iii) [~~Hf~~] if the voter is issued a ballot sheet with a secrecy envelope, the voter shall
589 record any write-in votes on the secrecy envelope[-];

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

591 (i) place the ballot sheet inside the secrecy envelope, if one is provided; or

592 (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the
593 vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope[-]; or

594 (c) [~~Hf~~] if the ballot is a provisional ballot, the voter shall place the ballot sheet in the
595 provisional ballot envelope and complete the information printed on the envelope[-];

596 (3) (a) [~~Hf~~] if a ballot sheet other than a punch card is used, the voter shall mark the
597 ballot sheet according to the instructions provided on the voting device or ballot sheet[-];

598 (b) [~~The~~] the voter shall record a write-in vote by:

599 (i) marking the position opposite the area for entering a write-in candidate; and

600 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
601 for by means of:

602 (A) writing;

603 (B) a label; or

604 (C) entering the name using the voting device[-]; and

605 (c) [~~Hf~~] if the ballot is a provisional ballot, the voter shall place the ballot sheet in the
606 provisional ballot envelope and complete the information printed on the envelope[-];

607 (4) (a) [~~Hf~~] if an electronic ballot is used, the voter shall:

608 (i) insert the ballot access card into the voting device; and

609 (ii) make the selections according to the instructions provided on the device[-]; and

610 (b) [~~The~~] the voter shall record a write-in vote by:

611 (i) marking the appropriate position opposite the area for entering a write-in candidate;

612 and

613 (ii) using the voting device to enter the name of the valid write-in candidate for whom
614 the voter wishes to vote[-];

- 615 (5) [~~After~~] after preparation of the ballot:
- 616 (a) if a paper ballot or punch card ballot is used:
- 617 (i) the voter shall:
- 618 (A) leave the voting booth; and
- 619 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;
- 620 (ii) the poll worker in charge of the ballot box shall:
- 621 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 622 the voter's ballot;
- 623 (B) if the stub number on the ballot corresponds with the number previously recorded
- 624 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;
- 625 and
- 626 (C) return the ballot to the voter;
- 627 (iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by
- 628 depositing the ballot in the ballot box; and
- 629 (iv) if the stub has been detached from the ballot:
- 630 (A) the poll worker may not accept the ballot; and
- 631 (B) the poll worker shall:
- 632 (I) treat the ballot as a spoiled ballot;
- 633 (II) provide the voter with a new ballot; and
- 634 (III) dispose of the spoiled ballot as provided in Section [20A-3-107](#);
- 635 (b) if a ballot sheet other than a punch card is used:
- 636 (i) the voter shall:
- 637 (A) leave the voting booth; and
- 638 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;
- 639 (ii) the poll worker in charge of the ballot box shall:
- 640 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 641 the voter's ballot; and
- 642 (B) if the stub number on the ballot corresponds with the number previously recorded
- 643 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
- 644 and
- 645 (iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by

646 depositing the ballot in the ballot box; and

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

648 (i) cast the voter's ballot;

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

650 (iii) return the ballot access card to a designated poll worker[-];

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

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

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

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

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

660 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot
661 box[-];

662 (7) (a) [~~Each~~] each voter shall mark and cast or deposit the ballot without delay and
663 shall leave the voting area after voting[-]; and

664 (b) [~~A~~] a voter may not:

665 (i) occupy a voting booth occupied by another, except as provided in Section
666 [20A-3-108](#);

667 (ii) remain within the voting area more than 10 minutes; or

668 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
669 voters are waiting to occupy them[-];

670 (8) [~~H~~] if the official register shows any voter as having voted, that voter may not
671 reenter the voting area during that election unless that voter is an election official or watcher[-];
672 and

673 (9) [~~The~~] the poll workers may not allow more than four voters more than the number
674 of voting booths into the voting area at one time unless those excess voters are:

675 (a) election officials;

676 (b) watchers; or

677 (c) assisting voters with a disability.

678 Section 6. Section **20A-3-105.5** is amended to read:

679 **20A-3-105.5. Manner of voting -- Provisional ballot.**

680 For voting at an election day voting center or another polling place:

681 (1) [~~The~~] the poll workers shall follow the procedures and requirements of this section
682 when:

683 (a) the person's right to vote is challenged as provided in Section [20A-3-202](#) or
684 [20A-3-202.5](#);

685 (b) the person's name is not found on the official register; or

686 (c) the poll worker is not satisfied that the voter has provided valid voter
687 identification[-];

688 (2) [~~When~~] when faced with one of the circumstances outlined in Subsection (1)(a) or
689 (b), the poll worker shall:

690 (a) request that the person provide valid voter identification; and

691 (b) review the identification provided by the person[-];

692 (3) [~~If~~] if the poll worker is satisfied that the person has provided valid voter
693 identification that establishes the person's identity and residence in the voting precinct or
694 within the county:

695 (a) the poll worker in charge of the official register shall:

696 (i) record in the official register the type of identification that established the person's
697 identity and place of residence;

698 (ii) write the provisional ballot envelope number opposite the name of the voter in the
699 official register; and

700 (iii) direct the voter to sign [~~his~~] the voter's name in the election column in the official
701 register;

702 (b) another poll worker shall list the ballot number and voter's name in the pollbook;

703 and

704 (c) the poll worker having charge of the ballots shall:

705 (i) endorse [~~his~~] the poll worker's initials on the stub;

706 (ii) check the name of the voter on the pollbook list with the number of the stub;

707 (iii) give the voter a ballot and a provisional ballot envelope; and

- 708 (iv) allow the voter to enter the voting booth[-];
709 (4) [H] if the poll worker is not satisfied that the voter has provided valid voter
710 identification that establishes the person's identity and residence in the voting precinct or
711 within the county:
- 712 (a) the poll worker in charge of the official register shall:
- 713 (i) record in the official register that the voter did not provide valid voter identification;
714 (ii) record in the official register the type of identification that was provided by the
715 voter, if any;
- 716 (iii) write the provisional ballot envelope number opposite the name of the voter in the
717 official register; and
- 718 (iv) direct the voter to sign his name in the election column in the official register;
- 719 (b) another poll worker shall list the ballot number and voter's name in the pollbook;
720 and
- 721 (c) the poll worker having charge of the ballots shall:
- 722 (i) endorse [his] the poll worker's initials on the stub;
723 (ii) check the name of the voter on the pollbook list with the number of the stub;
724 (iii) give the voter a ballot and a provisional ballot envelope; and
725 (iv) allow the voter to enter the voting booth[-]; and
- 726 (5) [~~Whenever~~] whenever the election officer is required to furnish more than one kind
727 of official ballot to [~~a voting precinct~~] an election day voting center or another polling place,
728 the poll workers of that [~~voting precinct~~] election day voting center or another polling place
729 shall give the registered voter the kind of ballot that the voter is qualified to vote.

730 Section 7. Section **20A-3-106** is amended to read:

731 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**
732 **of unnecessary marking of cross.**

733 For voting at an election day voting center or another polling place:

- 734 (1) [~~When~~] when voting a paper ballot, any voter desiring to vote for all the candidates
735 from any one registered political party may:
- 736 (a) mark in the circle or position above that political party;
737 (b) mark in the squares or position opposite the names of all candidates for that party
738 ticket; or

- 739 (c) make both markings[-];
- 740 (2) (a) [~~When~~] when voting a ballot sheet, any voter desiring to vote for all the
- 741 candidates from any one registered political party may:
- 742 (i) mark the selected party on the straight party page or section; or
- 743 (ii) mark the name of each candidate from that party[-]; and
- 744 (b) [~~To~~] to vote for candidates from two or more political parties, the voter may:
- 745 (i) mark in the squares or positions opposite the names of the candidates for whom the
- 746 voter wishes to vote without marking in any circle; or
- 747 (ii) indicate [~~his~~] the voter's choice by marking in the circle or position above one
- 748 political party and marking in the squares or positions opposite the names of desired
- 749 candidates[-];
- 750 (3) (a) [~~When~~] when voting an electronic ballot, any voter desiring to vote for all the
- 751 candidates from any one registered political party may:
- 752 (i) select that party on the straight party selection area; or
- 753 (ii) select the name of each candidate from that party[-]; and
- 754 (b) [~~To~~] to vote for candidates from two or more political parties, the voter may:
- 755 (i) select the names of the candidates for whom the voter wishes to vote without
- 756 selecting a political party in the straight party selection area; or
- 757 (ii) select a political party in the straight party selection area and select the names of the
- 758 candidates for whom the voter wishes to vote[-];
- 759 (4) [~~In~~] in any election other than a primary election, if a voter voting a ballot has
- 760 selected or placed a mark next to a party name in order to vote a straight party ticket and wishes
- 761 to vote for a person on another party ticket for an office, the voter shall select or mark the ballot
- 762 next to the name of the candidate for whom the voter wishes to vote[-];
- 763 (5) (a) [~~The~~] the voter may cast a write-in vote on a paper ballot or ballot sheet:
- 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 (b) [~~On~~] 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 if a mark is made opposite that name[-]; and

774 (c) [~~On~~] 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[-]; and

776 (6) [~~The~~] 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 8. Section **20A-3-107** is amended to read:

781 **20A-3-107. No ballots may be taken away -- Spoiled ballots.**

782 For voting at an election day voting center or another polling place:

783 (1) [~~A~~] a person may not take or remove any ballot from the polling place before the
784 close of the polls[-];

785 (2) [~~If~~] if any voter spoils a ballot, [~~he~~] the voter may successively obtain others, one at
786 a time, not exceeding three in all, upon returning each spoiled one[-];

787 (3) [~~If~~] if any ballot is spoiled by the printer or a poll worker, the poll worker shall give
788 the voter a new ballot[-]; and

789 (4) [~~The~~] the poll worker shall:

790 (a) immediately write the word "spoiled" across the face of the ballot; and

791 (b) place the ballot in the envelope for spoiled ballots.

792 Section 9. Section **20A-3-108** is amended to read:

793 **20A-3-108. Assisting disabled, illiterate, or blind voters.**

794 For voting at an election day voting center or another polling place:

795 (1) [~~Any~~] any voter who has a disability, [~~or~~] who is blind, who is unable to read or
796 write, including unable to read or write the English language, or who is physically unable to
797 enter a polling place[-] may be given assistance by a person of the voter's choice[-];

798 (2) [~~The~~] the person providing assistance may not be:

799 (a) the voter's employer;

800 (b) an agent of the employer;

801 (c) an officer or agent of the voter's union; or

802 (d) a candidate[-];

803 (3) [~~The~~] the person providing assistance may not request, persuade, or otherwise

804 induce the voter to vote for or vote against any particular candidate or issue or release any

805 information regarding the voter's selection[-]; and

806 (4) [~~Each~~] each time a voter is assisted, the poll worker shall note that fact in the

807 official register and the pollbook.

808 Section 10. Section **20A-3-109** is amended to read:

809 **20A-3-109. Instructions to voters.**

810 For voting at an election day voting center or another polling place:

811 (1) [~~If~~] if any voter, after entering the voting booth, asks for further instructions

812 concerning the manner of voting, two poll workers, each from a different political party, shall

813 instruct the voter[-];

814 (2) [~~After~~] after instructing the voter, and before the voter has cast [~~his~~] the voter's

815 vote, the poll worker shall leave the voting booth so that the voter may vote in secret[-]; and

816 (3) [~~A~~] a poll worker instructing a voter about the voting process may not request,

817 suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any

818 particular candidate, or for or against any ballot proposition.

819 Section 11. Section **20A-3-201** is amended to read:

820 **20A-3-201. Watchers.**

821 (1) (a) (i) For each regular general election or statewide special election, and for each

822 regular primary and Western States Presidential Primary, each registered political party and any

823 person interested in a ballot proposition appearing on the ballot may appoint one person to act

824 as a voting poll watcher to observe the casting of ballots at an election day voting center or

825 another polling place, another person to act as a counting poll watcher to observe the counting

826 of ballots, and another person to act as an inspecting poll watcher to inspect the condition and

827 observe the securing of ballot packages.

828 (ii) Each party poll watcher shall be designated, and [~~his~~] the poll watcher's selection

829 made known to the poll workers, by an affidavit made by the county chair of each of the

830 parties.

831 (iii) Each issue poll watcher shall be designated, and [~~his~~] the poll watcher's selection

832 made known to the poll workers, by an affidavit made by the individual appointing ~~him~~ the
833 poll watcher.

834 (b) (i) For each municipal general election, municipal primary, local special election, or
835 bond election that uses paper ballots, each candidate and any person interested in an issue
836 appearing on the ballot may appoint one person to act as a voting poll watcher at an election
837 day voting center or another polling place to observe the casting of ballots, another person to
838 act as a counting poll watcher to observe the counting of ballots, and another person to act as
839 an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

840 (ii) For each municipal general election, municipal primary, local special election, or
841 bond election that uses ballot sheets, each candidate and any person interested in an issue
842 appearing on the ballot may appoint one person to act as a voting poll watcher at an election
843 day voting center or another polling place to observe the casting of ballots, another person to
844 act as a counting poll watcher to observe the counting of ballots, and another person to act as
845 an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

846 (iii) Each candidate poll watcher shall be designated, and ~~his~~ the poll watcher's
847 selection made known to the poll workers, by an affidavit made by the candidate appointing
848 ~~him~~ the poll watcher.

849 (iv) Each issue poll watcher shall be designated, and ~~his~~ the poll watcher's selection
850 made known to the poll workers, by an affidavit made by the individual appointing ~~him~~ the
851 poll watcher.

852 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
853 absent, that poll watcher may substitute some other watcher of similar political beliefs by
854 informing the poll workers of the substitution by affidavit.

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

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

861 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
862 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other

863 information about the count.

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

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

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

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

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

872 (b) The election officer shall give prior notice of the logic and accuracy testing
873 demonstration at least two days prior to the date of the demonstration by publishing notice of
874 the date, time, and location of the demonstration:

875 (i) in at least one newspaper of general circulation in the jurisdiction holding the
876 election; and

877 (ii) as required in Section 45-1-101.

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

880 Section 12. Section 20A-3-202.3 is amended to read:

881 **20A-3-202.3. Pre-election challenges to a voter's eligibility in writing -- Procedure**
882 **-- Form of challenge.**

883 (1) (a) A person may challenge the right to vote of a person whose name appears on the
884 official register by filing with the election officer, during regular business hours and not later
885 than [2+] 30 days before [~~the date that early voting commences~~] election day, a written
886 statement that:

887 (i) lists the name and address of the person filing the challenge;

888 (ii) for each voter who is challenged:

889 (A) identifies the name of the challenged voter;

890 (B) lists the last known address or telephone number of the challenged voter;

891 (C) provides the basis for the challenge, as provided under Section 20A-3-202; and

892 (D) provides facts and circumstances supporting the basis provided; and

893 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:

894 (A) the filer exercised due diligence to personally verify the facts and circumstances
895 establishing the basis for the challenge; and

896 (B) according to the filer's personal knowledge and belief, the basis for the challenge
897 under Section 20A-3-202 for each challenged voter is valid.

898 (b) The challenge may not be based on unsupported allegations or allegations by an
899 anonymous person.

900 (c) The election officer may provide a form that meets the requirements of this section
901 for challenges filed under this section.

902 (2) (a) If the challenge is not in the proper form or if the basis for the challenge does
903 not meet the requirements of this part, the election officer may dismiss the challenge and notify
904 the filer in writing of the reasons for the dismissal.

905 (b) A challenge is not in the proper form if the challenge form is incomplete.

906 (3) Upon receipt of a challenge that meets the requirements for filing under this
907 section, the election officer shall, at least [~~14~~] 21 days before [~~the day on which early voting~~
908 ~~commences~~] election day, attempt to notify each challenged voter:

909 (a) that a challenge has been filed against the challenged voter and the challenged voter
910 may be required to cast a provisional ballot at the time of voting;

911 (b) of the basis for the challenge, which may include providing a copy of the written
912 statement to the challenged voter; and

913 (c) that the challenged voter may submit information, a sworn statement, or other
914 evidence supporting the challenged voter's right to vote in the election to the election officer no
915 later than [~~seven~~] 14 days before [~~the day on which early voting commences~~] election day.

916 (4) (a) Before [~~the day on which early voting commences~~] election day, the election
917 officer shall determine whether each challenged voter is eligible to vote.

918 (b) (i) The filer of the challenge has the burden to prove, by clear and convincing
919 evidence, that the basis for challenging the voter's right to vote is valid.

920 (ii) The election officer shall resolve the challenge based on the available facts and
921 information submitted, which may include voter registration records and other documents or
922 information available to the election officer.

923 (5) A person who files a challenge under the requirements of this section is subject to
924 criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and

925 any other applicable criminal provision.

926 (6) A decision of the election officer regarding a person's eligibility to vote may be
927 appealed to the district court having jurisdiction over the location where the challenge was
928 filed.

929 (7) A challenged voter may register to vote or change the location of the voter's voter
930 registration if otherwise legally entitled to do so.

931 (8) All documents pertaining to a voter challenge are public records.

932 Section 13. Section **20A-3-202.5** is amended to read:

933 **20A-3-202.5. Challenges to a voter's eligibility at time of voting -- Procedure.**

934 For voting at an election day voting center or another polling place:

935 (1) (a) [~~A~~] a poll worker or a person who lives in the [~~voting precinct~~] area served by
936 the election day voting center, or for another polling place, a poll worker or a person who lives
937 in the voting precinct, may challenge a voter's right to vote [~~in that voting precinct~~] at that
938 election day voting center or polling place, or in that election if:

939 (i) the person making the challenge and the challenged voter are both present at the
940 polling place at the time the challenge is made; and

941 (ii) the challenge is made when the challenged voter applies for a ballot[-]; and

942 (b) [~~A~~] a person may make a challenge by orally stating the challenged voter's name
943 and the basis for the challenge, as provided under Section **20A-3-202**[-];

944 (2) [~~The~~] the poll worker shall record a challenge in the official register and on the
945 challenge sheets in the pollbook, including:

946 (a) the name of the challenged voter;

947 (b) the name of the person making the challenge; and

948 (c) the basis asserted for the challenge[-]; and

949 (3) [~~H~~] if a voter's right to vote is challenged under this section, the poll worker shall
950 follow the procedures and requirements of Section **20A-3-105.5**.

951 Section 14. Section **20A-3-301** is amended to read:

952 **20A-3-301. Voting in person.**

953 [~~(1) Any person who is registered to vote may vote by absentee ballot.~~]

954 [~~(2)~~] Except as provided in Section **20A-3-702**, a registered voter may not vote in
955 person if the voter voted by absentee ballot.

956 Section 15. Section 20A-3-304 is amended to read:

957 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

958 (1) A registered voter who is not temporarily absent from the voter's voting precinct is
 959 not required to file an application in order to receive an absentee ballot.

960 ~~[(+)]~~ (2) (a) ~~[Any]~~ A registered voter who is temporarily outside of the voter's voting
 961 precinct and who wishes to vote an absentee ballot may ~~[either: (i)]~~ file an absentee ballot
 962 application:

963 ~~[(A)]~~ (i) on the electronic system maintained by the lieutenant governor under Section
 964 20A-2-206; or

965 ~~[(B)]~~ (ii) with the appropriate election officer for an official absentee ballot as provided
 966 in this section; or

967 (ii) for an exempt jurisdiction, vote in person at the office of the appropriate election
 968 officer as provided in Section 20A-3-306.

969 (b) A person that collects a completed absentee ballot application from a registered
 970 voter shall file the completed absentee ballot application with the appropriate election official
 971 before the earlier of:

972 (i) 14 days after the day on which the registered voter signed the absentee ballot form;
 973 or

974 (ii) the Thursday before the next election.

975 ~~[(2)]~~ (3) As it relates to an absentee ballot application to be filled out entirely by the
 976 voter:

977 (a) except as provided in Subsection ~~[(2)]~~ (3)(b), the lieutenant governor or election
 978 officer shall approve an application form for absentee ballot applications in substantially the
 979 following form:

980 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
 981 apply for an official absentee ballot to be voted by me at the election.

982 Date _____ (month\day\year) Signed _____

983 _____
 983 Voter"; and

984 (b) the lieutenant governor or election officer shall approve an application form for
 985 regular primary elections and for the Western States Presidential Primary in substantially the
 986 following form:

987 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
988 apply for an official absentee ballot for the _____ political party to be voted by me
989 at the primary election.

990 I understand that I must be affiliated with or authorized to vote the political party's
991 ballot that I request.

992 Dated _____ (month\day\year) _____ Signed _____
993 Voter"

994 (c) If requested by the applicant, the election officer shall:

995 (i) mail or fax the application form to the absentee voter; or

996 (ii) deliver the application form to any voter who personally applies for it at the office
997 of the election officer.

998 [~~3~~] (4) As it relates to an absentee ballot application to be filled out for, and finished
999 and signed by, a voter:

1000 (a) except as provided in Subsection [~~3~~] (4)(b), the lieutenant governor or election
1001 officer shall approve an application form for absentee ballot applications in substantially the
1002 following form:

1003 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
1004 apply for an official absentee ballot to be voted by me at the election.

1005 I understand that a person that collects this absentee ballot application is required to file
1006 it with the appropriate election official before the earlier of fourteen days after the day on
1007 which I sign the application or the Thursday before the next election.

1008 This form is provided by (insert name of person or organization).

1009 I have verified that the information on this application is correct.

1010 I understand that I will receive a ballot at the following address: (insert address and an
1011 adjacent check box);

1012 OR

1013 I request that the ballot be mailed to the following address: (insert blank space for an
1014 address and an adjacent check box).

1015 Date _____ (month\day\year) Signed _____
1016 Voter"; and

1017 (b) the lieutenant governor or election officer shall approve an application form for

1018 regular primary elections and for the Western States Presidential Primary in substantially the
1019 following form:

1020 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
1021 apply for an official absentee ballot for the _____ political party to be voted by me
1022 at the primary election.

1023 I understand that I must be affiliated with or authorized to vote the political party's
1024 ballot that I request. I understand that a person that collects this absentee ballot application is
1025 required to file it with the appropriate election official before the earlier of fourteen days after
1026 the day on which I sign the application or the Thursday before the next primary election.

1027 This form is provided by (insert name of person or organization).

1028 I have verified that the information on this application is correct.

1029 I understand that I will receive a ballot at the following address: (insert address and an
1030 adjacent check box);

1031 OR

1032 I request that the ballot be mailed to the following address: (insert blank space for an
1033 address and an adjacent check box).

1034 Dated _____ (month/day/year) _____ Signed _____
1035 Voter"

1036 [~~(4)~~] (5) The forms described in Subsections [~~(2)~~] (3) and [~~(3)~~] (4) shall contain
1037 instructions on how a voter may cancel an absentee ballot application.

1038 [~~(5)~~] (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who [~~wishes to~~
1039 ~~vote by~~] applies for an absentee ballot under this section shall file the application [~~for an~~
1040 ~~absentee ballot~~] with the lieutenant governor or appropriate election officer no later than the
1041 Thursday before election day.

1042 [~~(6)~~] (7) (a) A county clerk may establish a permanent absentee voter list.

1043 (b) The clerk shall place on the list the name of any person who:

1044 (i) requests permanent absentee voter status under this section; and

1045 (ii) meets the requirements of this section.

1046 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on
1047 the absentee voter list.

1048 (ii) The questionnaire shall allow the absentee person to verify the voter's residence.

- 1049 (iii) The clerk may remove the names of any voter from the absentee voter registration
1050 list if:
- 1051 (A) the voter is no longer listed in the official register; or
1052 (B) the voter fails to verify the voter's residence and absentee status.
- 1053 (d) The clerk shall provide a copy of the permanent absentee voter list to election
1054 officers for use in elections.

1055 Section 16. Section **20A-3-304.1** is amended to read:

1056 **20A-3-304.1. Election officer to provide voting history information and status.**

1057 (1) As used in this section:

1058 (a) "Qualified absentee ballot application" means an absentee ballot application filed
1059 under Section [20A-3-304](#) from a voter who the election officer determines is eligible to receive
1060 an absentee ballot.

1061 (b) "Voting history record" means the information about the existence and status of
1062 absentee ballot requests required by this section.

1063 (2) (a) Each election officer shall maintain, in the election officer's office, a voting
1064 history record of those voters [~~that~~] who have cast a vote by:

1065 (i) absentee ballot; and

1066 (ii) for an exempt jurisdiction, early voting.

1067 (b) The voting history record is a public record under Title 63G, Chapter 2,
1068 Government Records Access and Management Act.

1069 (3) The election officer shall ensure that the voting history record for each voting
1070 precinct contains:

1071 (a) for absentee voting:

1072 (i) the name and address of each person who has filed a qualified absentee ballot
1073 application;

1074 (ii) the date that the application was received; and

1075 (iii) the current status of each qualified absentee ballot application including
1076 specifically:

1077 (A) the date that the absentee ballot was mailed to the voter; and

1078 (B) the date that the voted absentee ballot was received by the election officer; [~~and~~]

1079 (b) for early voting in an exempt jurisdiction:

1080 (i) the name and address of each person who has voted during the early voting period;

1081 and

1082 (ii) the date the person's vote was cast[-]; and

1083 (d) for each absentee ballot that the election officer mails without first receiving a

1084 qualified absentee application:

1085 (i) the name and address of the individual to whom the absentee ballot is sent; and

1086 (ii) the date that the voted absentee ballot was received by the election officer.

1087 (4) (a) Notwithstanding the time limits for response to a request for records under
1088 Section 63G-2-204 or the time limits for a request for records established in any ordinance, the
1089 election officer shall ensure that the information required by this section is recorded and made
1090 available to the public no later than one business day after its receipt in the election officer's
1091 office.

1092 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements
1093 established in any ordinance, the election officer shall make copies of the voting history record
1094 available to the public for the actual cost of production or copying.

1095 Section 17. Section 20A-3-305 is amended to read:

1096 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**
1097 **Affidavit.**

1098 (1) (a) Upon timely receipt of an absentee voter application properly filled out and
1099 signed less than 30 days before the election, the election officer shall either:

1100 (i) give the applicant an official absentee ballot and envelope to vote in the office; or

1101 (ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
1102 envelope printed as required in Subsection (2).

1103 (b) Twenty-eight days before election day, the election officer shall mail an official
1104 absentee ballot, postage paid, to all:

1105 (i) voters whose residence is not in an exempt jurisdiction; and

1106 (ii) absentee voters, other than to a uniformed-service voter or an overseas voter, who
1107 have submitted a properly filled out and signed absentee voter application before the day on
1108 which the ballots are mailed, and enclose an envelope printed as required by Subsection (2).

1109 (2) The election officer shall ensure that:

1110 (a) the name, official title, and post office address of the election officer is printed on

1111 the front of the envelope; and

1112 (b) a printed affidavit in substantially the following form is printed on the back of the
1113 envelope:

1114 "County of _____ State of _____

1115 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
1116 in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election.

1117 I am not a convicted felon currently incarcerated for commission of a felony.

1118 _____
1119 Signature of Absentee Voter"

1120 (3) If the election officer determines that the absentee voter is required to show valid
1121 voter identification, the election officer shall:

1122 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

1123 (b) instruct the voter to include a copy of the voter's valid voter identification with the
1124 return ballot;

1125 (c) provide the voter clear instructions on how to vote a provisional ballot; and

1126 (d) comply with the requirements of Subsection (2).

1127 Section 18. Section 20A-3-306 is amended to read:

1128 **20A-3-306. Voting ballot -- Returning ballot.**

1129 (1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the
1130 [absentee] voter shall:

1131 (i) complete and sign the affidavit on the envelope;

1132 (ii) mark the votes on the absentee ballot;

1133 (iii) place the voted absentee ballot in the envelope;

1134 (iv) securely seal the envelope; and

1135 (v) attach postage[~~; unless voting in accordance with Section 20A-3-302;~~] and deposit
1136 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
1137 obtained.

1138 (b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at
1139 the office of the election officer, the absent voter shall:

1140 (i) complete and sign the affidavit on the envelope;

1141 (ii) mark the votes on the absent-voter ballot;

- 1142 (iii) place the voted absent-voter ballot in the envelope;
- 1143 (iv) securely seal the envelope; and
- 1144 (v) give the ballot and envelope to the election officer.
- 1145 (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:
- 1146 (a) in the case of an absentee ballot that is voted in person, the ballot is:
- 1147 (i) applied for and cast in person at the office of the appropriate election officer no later
- 1148 than the Thursday before election day; or
- 1149 (ii) submitted on election day at a polling location ~~[in]~~, or the election day voting
- 1150 center, for the political subdivision where the absentee voter resides;
- 1151 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:
- 1152 (i) clearly postmarked before election day; and
- 1153 (ii) received in the office of the election officer before noon on the day of the official
- 1154 canvass following the election; or
- 1155 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with
- 1156 Section 20A-16-404.
- 1157 (3) ~~[An absentee]~~ A voter may submit a completed absentee ballot at a polling location
- 1158 ~~[in]~~, or an election day voting center, for a political subdivision holding the election, if the
- 1159 ~~[absentee]~~ voter resides in the political subdivision.
- 1160 (4) ~~[An absentee]~~ A voter may submit an incomplete absentee ballot at a polling
- 1161 location, or an election day voting center, for the voting precinct where the voter resides,
- 1162 request that the ballot be declared spoiled, and vote in person.
- 1163 Section 19. Section 20A-3-306.5 is amended to read:
- 1164 **20A-3-306.5. Emergency absentee ballots.**
- 1165 (1) As used in this section, "hospitalized voter" means a registered voter who is
- 1166 hospitalized or otherwise confined to a medical or long-term care institution ~~[after the deadline~~
- 1167 ~~for filing an application for an absentee ballot established in Section 20A-3-304]~~.
- 1168 (2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an
- 1169 absentee ballot and vote on election day by following the procedures and requirements of this
- 1170 section.
- 1171 (3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an
- 1172 absentee ballot envelope from the election officer on behalf of a hospitalized voter by

1173 requesting a ballot and application in person at the election officer's office.

1174 (b) The election officer shall require the person to sign a statement identifying himself
1175 or herself and the hospitalized voter.

1176 (4) To vote, the hospitalized voter shall complete the absentee ballot application,
1177 complete and sign the application on the absentee ballot envelope, mark ~~[his]~~ the hospitalized
1178 voter's votes on the absentee ballot, place the absentee ballot into the envelope, and seal the
1179 envelope unless a different method is authorized under Section 20A-1-308.

1180 (5) To be counted, the absentee voter application and the sealed absentee ballot
1181 envelope must be returned to the election officer's office [~~before the polls close on election day~~
1182 ~~unless a different time is authorized under Section 20A-1-308~~] before noon on the day of the
1183 official canvass following the election.

1184 Section 20. Section 20A-3-307 is amended to read:

1185 **20A-3-307. Receipt and processing of absentee ballot.**

1186 (1) Except as provided in Subsection (2), upon receipt of an envelope containing an
1187 absentee ballot, the election officer shall:

1188 (a) enclose the unopened envelope containing the absentee ballot and the written
1189 application of the absentee voter in a larger envelope;

1190 (b) seal that envelope and endorse it with:

1191 (i) the name or number of the proper voting precinct;

1192 (ii) the name and official title of the election officer; and

1193 (iii) the words "This envelope contains an absentee ballot and may only be opened on
1194 election day at [~~the polls~~] an election day voting center or, for an exempt jurisdiction, at the
1195 polls while the polls are open."; and

1196 (c) safely keep the envelope locked in a secure place in the election officer's office until
1197 [~~it~~] the envelope is delivered by the election officer to the proper election judges.

1198 (2) If the election officer receives envelopes containing absentee ballots too late to
1199 transmit them to the election judges on election day, the election officer shall retain those
1200 absentee ballots in a safe and secure place until they can be processed as provided in Section
1201 20A-3-309.

1202 (3) (a) Except as provided in Subsection (3)(c), when reasonably possible, the election
1203 officer shall deliver or mail valid absentee ballots to the appropriate [~~voting precinct~~] election

1204 day voting center's or other polling place's election judges so that [~~they~~] the ballots may be
1205 processed [~~at the voting precinct~~] on election day.

1206 (b) If the election officer is unable to determine the voting precinct or election day
1207 voting center to which an absentee ballot should be sent, or if a valid absentee ballot is received
1208 too late for delivery on election day to election judges, the election officer shall retain the
1209 absentee ballot in a safe place until it can be processed as required by Section [20A-3-309](#).

1210 (c) When the absentee ballots will be centrally counted, the election officer shall
1211 deliver those absentee ballots to the counting center on election day for counting.

1212 Section 21. Section [20A-3-308](#) is amended to read:

1213 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition --**
1214 **Notice.**

1215 (1) (a) [~~Voting precinct~~] Election day voting center and voting precinct poll workers
1216 shall open envelopes containing absentee ballots that are in their custody on election day at the
1217 polling places or election day voting centers during the time the polls are open as provided in
1218 this Subsection (1).

1219 (b) The poll workers shall:

1220 (i) first, open the outer envelope only; and

1221 (ii) compare the signature of the voter on the application with the signature on the
1222 affidavit.

1223 (2) (a) The poll workers shall carefully open and remove the absentee voter envelope
1224 so as not to destroy the affidavit on the envelope if they find that:

1225 (i) the affidavit is sufficient;

1226 (ii) the signatures correspond; and

1227 (iii) the applicant is registered to vote in that voting precinct, or a voting precinct
1228 assigned to that election day voting center, and has not voted in that election.

1229 (b) If, after opening the absentee voter envelope, the poll worker finds that a
1230 provisional ballot envelope is enclosed, the poll worker shall:

1231 (i) record, in the official register, whether:

1232 (A) the voter included valid voter identification; or

1233 (B) a covered voter, as defined in Section [20A-16-102](#), did not provide valid voter
1234 identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;

- 1235 (ii) if any type of identification was included, record the type of identification provided
1236 by the voter in the appropriate space in the official register;
- 1237 (iii) record the provisional ballot number on the official register; and
- 1238 (iv) place the provisional ballot envelope with the other provisional ballot envelopes to
1239 be transmitted to the county clerk.
- 1240 (c) If the absentee ballot is not a provisional ballot, the poll workers shall:
- 1241 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to
1242 be opened or examined;
- 1243 (ii) initial the stub in the same manner as for other ballots;
- 1244 (iii) remove the stub from the ballot;
- 1245 (iv) deposit the ballot in the ballot box; and
- 1246 (v) mark the official register and pollbook to show that the voter has voted.
- 1247 (3) If the poll workers determine that the affidavit is insufficient, or that the signatures
1248 do not correspond, or that the applicant is not a registered voter in the voting precinct, they
1249 shall:
- 1250 (a) disallow the vote; and
- 1251 (b) without opening the absentee voter envelope, mark across the face of the envelope:
1252 (i) "Rejected as defective"; or
1253 (ii) "Rejected as not a registered voter."
- 1254 (4) The poll workers shall deposit the absentee voter envelope, when the absentee
1255 ballot is voted, and the absentee voter envelope with its contents unopened when the absent
1256 vote is rejected, in the ballot box containing the ballots.
- 1257 (5) (a) An election officer shall notify a voter if a poll worker rejects the voter's ballot
1258 and specify the reason for the rejection.
- 1259 (b) An election officer shall give the notice described in Subsection (5)(a) to a voter no
1260 later than seven days after:
- 1261 (i) election day if the election officer receives the ballot before or on election day; and
1262 (ii) the canvass if the election officer receives the ballot after election day and before
1263 the end of the canvass.
- 1264 (6) The election officer shall retain and preserve the absentee voter envelopes in the
1265 manner provided by law for the retention and preservation of official ballots voted at that

1266 election.

1267 Section 22. Section **20A-3-601** is amended to read:

1268 **20A-3-601. Early voting.**

1269 (1) A person who resides in an exempt jurisdiction and is registered to vote may vote
1270 before the election date in accordance with this section.

1271 (2) Except as provided in Section **20A-1-308**, the early voting period shall:

1272 (a) begin on the date that is 14 days before the date of the election; and

1273 (b) continue through the Friday before the election if the election date is a Tuesday.

1274 (3) Except as provided in Section **20A-1-308**, during the early voting period, the
1275 election officer:

1276 (a) for a local special election, a municipal primary election, and a municipal general
1277 election:

1278 (i) shall conduct early voting on a minimum of four days during each week of the early
1279 voting period; and

1280 (ii) shall conduct early voting on the last day of the early voting period; and

1281 (b) for all other elections:

1282 (i) shall conduct early voting on each weekday; and

1283 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

1284 (4) Except as specifically provided in this Part 6, Early Voting, or Section **20A-1-308**,
1285 early voting shall be administered according to the requirements of this title.

1286 Section 23. Section **20A-3-602** is amended to read:

1287 **20A-3-602. Hours for early voting.**

1288 For an exempt jurisdiction:

1289 (1) except as provided in Section **20A-1-308**, the election officer shall determine the
1290 times for opening and closing the polls for each day of early voting provided that:

1291 (a) voting is open for a minimum of four hours during each day that polls are open
1292 during the early voting period; and

1293 (b) polls shall close at 5 p.m. on the last day of the early voting period[-]; and

1294 (2) except as provided in Section **20A-1-308**, each registered voter who arrives at the
1295 polls before the time scheduled for closing of the polls shall be allowed to vote.

1296 Section 24. Section **20A-3-603** is amended to read:

1297 **20A-3-603. Early voting polling places.**

1298 (1) Except as provided in Section [20A-1-308](#), for an exempt jurisdiction, the election
1299 officer shall designate one or more polling places for early voting, provided that:

1300 (a) at least one polling place is open on each day that polls are open during the early
1301 voting period;

1302 (b) each polling place meets the requirements for polling places under Chapter 5,
1303 Election Administration;

1304 (c) for all elections other than local special elections, municipal primary elections, and
1305 municipal general elections, at least 10% of the voting devices at a polling place are accessible
1306 for individuals with disabilities in accordance with Public Law 107-252, the Help America
1307 Vote Act of 2002; and

1308 (d) each polling place is located in a government building or office, unless the election
1309 officer determines that, in the area designated by the election officer, there is no government
1310 building or office available that:

1311 (i) can be scheduled for use during early voting hours;

1312 (ii) has the physical facilities necessary to accommodate early voting requirements;

1313 (iii) has adequate space for voting equipment, poll workers, and voters; and

1314 (iv) has adequate security, public accessibility, and parking.

1315 (2) (a) Except as provided in Section [20A-1-308](#), for an exempt jurisdiction, in the
1316 event the election officer determines that the number of early voting polling places is
1317 insufficient due to the number of registered voters who are voting, the election officer may
1318 designate additional polling places during the early voting period.

1319 (b) Except as provided in Section [20A-1-308](#), if an additional early voting polling place
1320 is designated, the election officer shall, as soon as is reasonably possible, give notice of the
1321 dates, times, and location of the additional polling place by:

1322 (i) publishing the notice:

1323 (A) in one issue of a newspaper of general circulation in the county; and

1324 (B) as required in Section [45-1-101](#); and

1325 (ii) posting the notice at the additional polling place.

1326 (3) Except as provided in Section [20A-1-308](#), for an exempt jurisdiction, for each
1327 regular general election and regular primary election, counties of the first class shall ensure that

1328 the early voting polling places are approximately proportionately distributed based on
1329 population within the county.

1330 Section 25. Section **20A-3-604** is amended to read:

1331 **20A-3-604. Notice of time and place of early voting.**

1332 Except as provided in Section **20A-1-308**, for an exempt jurisdiction, the election
1333 officer shall give notice of the dates, times, and locations of early voting by:

1334 (1) publishing the notice:

1335 (a) in one issue of a newspaper of general circulation in the county at least five
1336 calendar days before the date that early voting begins; and

1337 (b) in accordance with Section **45-1-101**, at least five calendar days before the date that
1338 early voting begins; and

1339 (2) posting the notice at each early voting polling place at least five calendar days
1340 before the date early voting begins.

1341 Section 26. Section **20A-3-605** is amended to read:

1342 **20A-3-605. Exemptions from early voting.**

1343 (1) (a) This part does not apply to an election of a board member of a local district.

1344 (b) Notwithstanding Subsection (1)(a), a local district that is an exempt jurisdiction
1345 may, at its discretion, provide early voting in accordance with this part for an election of a
1346 board member.

1347 (2) Notwithstanding the requirements of Section **20A-3-601**, an exempt jurisdiction
1348 that is a municipality of the fifth class or a town as described in Section **10-2-301** may provide
1349 early voting as provided under this part for:

1350 (a) a municipal primary election; or

1351 (b) a municipal general election.

1352 [~~(3) A municipality or county that administers an election entirely by absentee ballot, in~~
1353 ~~accordance with Section **20A-3-302**, is not required to conduct early voting for the election.]~~

1354 Section 27. Section **20A-3-702** is amended to read:

1355 **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**
1356 **Election Code.**

1357 (1) An election officer [~~may~~] shall operate an election day voting center in one or more
1358 locations designated under Section **20A-3-703**.

- 1359 (2) An election officer shall provide for voting at an election day voting center by:
- 1360 (a) regular ballot if:
- 1361 (i) the election day voting center is designated under Section 20A-5-403 as the polling
- 1362 place for the voting precinct in which the voter resides; and
- 1363 (ii) the voter is eligible to vote using a regular ballot in accordance with this title;
- 1364 (b) voting center ballot if:
- 1365 (i) the election day voting center is not designated under Section 20A-5-403 as the
- 1366 polling place for the voting precinct in which the voter resides;
- 1367 (ii) the voter resides within the political subdivision holding the election; and
- 1368 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this
- 1369 title; or
- 1370 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
- 1371 accordance with this title.

- 1372 (3) An election officer shall ensure that an election day voting center:
- 1373 (a) is open on election day during the time period specified under Section 20A-1-302;
- 1374 (b) allows an eligible voter to vote if the voter:
- 1375 (i) resides within the political subdivision holding an election; and
- 1376 (ii) arrives at the election day voting center by the designated closing time in
- 1377 accordance with Section 20A-1-302; and
- 1378 (c) is administered according to the requirements of this title.

1379 (4) A person may submit a completed absentee ballot at an election day voting center

1380 for the political subdivision in which the person resides.

1381 (5) A person may submit an incomplete absentee ballot at an election day voting center

1382 for the political subdivision in which the person resides, request that the ballot be declared

1383 spoiled, and vote in person.

1384 Section 28. Section 20A-3-703 is amended to read:

1385 **20A-3-703. Election day voting centers as polling places -- Location --**

1386 **Notification.**

1387 The election officer ~~[may]~~ shall:

- 1388 (1) designate one or more polling places as an election day voting center ~~[if:]~~;
- 1389 ~~[(1)]~~ (2) ~~[the election officer notifies]~~ notify the lieutenant governor of the designation

1390 and location of an election day voting center at least [~~15~~] 45 days before the election;
1391 [~~(2)~~] (3) [~~a polling place~~] ensure that the election day voting center meets the
1392 requirements for a polling place under Chapter 5, Election Administration; and
1393 [~~(3)~~] (4) [~~a polling place~~] ensure that the election day voting center is located in a
1394 government building or office, unless the election officer determines that there is no
1395 government building or office available, in the area designated by the election officer, that:

- 1396 (a) can be scheduled for use during election day voting hours;
1397 (b) has the physical facilities necessary to accommodate election day voting
1398 requirements;
1399 (c) has adequate space for voting equipment, poll workers, and voters; and
1400 (d) has adequate security, public accessibility, and parking.

1401 Section 29. Section **20A-5-605** is amended to read:

1402 **20A-5-605. Duties of poll workers.**

- 1403 (1) Poll workers shall:
1404 (a) arrive at the polling place at a time determined by the election officer; and
1405 (b) remain until the official election returns are prepared for delivery.
1406 (2) The election officer may designate:
1407 (a) certain poll workers to act as election judges;
1408 (b) an election judge to act as the presiding election judge; and
1409 (c) certain poll workers to act as clerks.
1410 (3) Upon their arrival to open the polls, the poll workers shall:
1411 (a) if the election officer has not designated which poll workers at a polling place are
1412 assigned to act as election judges, as presiding election judge, or as clerks:
1413 (i) designate two poll workers to act as election judges as necessary;
1414 (ii) determine which election judge shall preside as necessary; and
1415 (iii) determine which poll workers shall act as clerks as necessary;
1416 (b) select one or more of their number to deliver the election returns to the election
1417 officer or to the place that the election officer designates;
1418 (c) display the United States flag;
1419 (d) examine the voting devices to see that they are in proper working order and that
1420 security devices have not been tampered with;

1421 (e) place the voting devices, voting booths, and the ballot box in plain view of those
1422 poll workers and watchers that are present;

1423 (f) for paper ballots and ballot sheets, open the ballot packages in the presence of all
1424 the poll workers;

1425 (g) check the ballots, supplies, records, and forms;

1426 (h) if directed to do so by the election officer:

1427 (i) make any necessary corrections to the official ballots before they are distributed at
1428 the polls; and

1429 (ii) post any necessary notice of errors in electronic ballots before voting commences;

1430 (i) post the sample ballots, instructions to voters, and constitutional amendments, if
1431 any; and

1432 (j) open the ballot box in the presence of those assembled, turn it upside down to empty
1433 it of anything, and then, immediately before polls open, lock it, or if locks and keys are not
1434 available, tape it securely.

1435 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or
1436 refuses to act:

1437 (i) at least six qualified electors from the voting precinct who are present at the polling
1438 place at the hour designated by law for the opening of the polls shall fill the vacancy by
1439 appointing another qualified person from the voting precinct who is a member of the same
1440 political party as the poll worker who is being replaced to act as a poll worker; or

1441 (ii) the election officer shall appoint a qualified person to act as a poll worker.

1442 (b) If a majority of the poll workers are present, they shall open the polls, even though
1443 a poll worker has not arrived.

1444 (5) (a) If it is impossible or inconvenient to hold an election at the polling place
1445 designated, the poll workers, after having assembled at or as near as practicable to the
1446 designated place, and before receiving any vote, may move to the nearest convenient place for
1447 holding the election.

1448 (b) If the poll workers move to a new polling place, they shall display a proclamation
1449 of the change and station a peace officer or some other proper person at the original polling
1450 place to notify voters of the location of the new polling place.

1451 (6) If the poll worker who received delivery of the ballots produces packages of

1452 substitute ballots accompanied by a written and sworn statement of the election officer that the
1453 ballots are substitute ballots because the original ballots were not received, were destroyed, or
1454 were stolen, the poll workers shall use those substitute ballots as the official election ballots.

1455 (7) If, for any reason, none of the official or substitute ballots are ready for distribution
1456 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll
1457 workers may use unofficial ballots, made as nearly as possible in the form of the official ballot,
1458 until substitutes prepared by the election officer are printed and delivered.

1459 (8) When it is time to open the polls, one of the poll workers shall announce that the
1460 polls are open as required by Section [20A-1-302](#), or in the case of early voting in an exempt
1461 jurisdiction, Section [20A-3-602](#).

1462 (9) (a) The poll workers shall comply with the voting procedures and requirements of
1463 Title 20A, Chapter 3, Voting, in allowing people to vote.

1464 (b) The poll workers may not allow any person, other than election officials and those
1465 admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

1466 (c) Besides the poll workers and watchers, the poll workers may not allow more than
1467 four voters in excess of the number of voting booths provided within six feet of voting devices,
1468 voting booths, and the ballot box.

1469 (d) If necessary, the poll workers shall instruct each voter about how to operate the
1470 voting device before the voter enters the voting booth.

1471 (e) (i) If the voter requests additional instructions after entering the voting booth, two
1472 poll workers may, if necessary, enter the booth and give the voter additional instructions.

1473 (ii) In regular general elections and regular primary elections, the two poll workers who
1474 enter the voting booth to assist the voter shall be of different political parties.

1475 **Section 30. Repealer.**

1476 This bill repeals:

1477 Section [20A-3-302](#), **Conducting entire election by absentee ballot.**

1478 Section 31. **Effective date.**

1479 This bill takes effect on October 1, 2015.