

STRAIGHT TICKET VOTING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: _____

Cosponsor: Jeremy A. Peterson

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to the manner by which a voter casts a vote for all candidates from one political party.

Highlighted Provisions:

This bill:

- ▶ amends provisions of the Election Code to provide that a voter who desires to cast a vote for all candidates from one political party must vote separately for each candidate from that political party;
- ▶ removes provisions relating to straight ticket party voting and scratch voting; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2015, Chapters 296, 352, and 392

20A-3-106, as last amended by Laws of Utah 2015, Chapter 296



- 27 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177
- 28 **20A-4-105**, as last amended by Laws of Utah 2013, Chapter 390
- 29 **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329
- 30 **20A-6-301**, as last amended by Laws of Utah 2015, Chapter 392
- 31 **20A-6-303**, as last amended by Laws of Utah 2015, Chapter 296
- 32 **20A-6-304**, as last amended by Laws of Utah 2015, Chapter 296
- 33 **20A-6-305**, as last amended by Laws of Utah 2014, Chapter 17
- 34 **20A-9-406**, as last amended by Laws of Utah 2015, Chapter 296

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

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

38 **20A-1-102. Definitions.**

39 As used in this title:

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

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

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

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

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

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

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

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

54 (a) an opinion question specifically authorized by the Legislature;

55 (b) a constitutional amendment;

56 (c) an initiative;

57 (d) a referendum;

- 58 (e) a bond proposition;
- 59 (f) a judicial retention question;
- 60 (g) an incorporation of a city or town; or
- 61 (h) any other ballot question specifically authorized by the Legislature.
- 62 (6) "Ballot sheet":
- 63 (a) means a ballot that:
- 64 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 65 (ii) can be counted using automatic tabulating equipment; and
- 66 (b) includes punch card ballots and other ballots that are machine-countable.
- 67 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 68 together with a staple or stitch in at least three places across the top of the paper in the blank
- 69 space reserved for securing the paper.
- 70 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 71 [20A-4-306](#) to canvass election returns.
- 72 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 73 the proposed issuance of bonds by a government entity.
- 74 (10) "Book voter registration form" means voter registration forms contained in a
- 75 bound book that are used by election officers and registration agents to register persons to vote.
- 76 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 77 charge by the sender.
- 78 (12) "By-mail voter registration form" means a voter registration form designed to be
- 79 completed by the voter and mailed to the election officer.
- 80 (13) "Canvass" means the review of election returns and the official declaration of
- 81 election results by the board of canvassers.
- 82 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 83 the canvass.
- 84 (15) "Contracting election officer" means an election officer who enters into a contract
- 85 or interlocal agreement with a provider election officer.
- 86 (16) "Convention" means the political party convention at which party officers and
- 87 delegates are selected.
- 88 (17) "Counting center" means one or more locations selected by the election officer in

89 charge of the election for the automatic counting of ballots.

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

92 (19) "Counting poll watcher" means a person selected as provided in Section
93 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

102 (b) does not include:

103 (i) deadlines established for absentee voting; or

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

106 (23) "Elected official" means:

107 (a) a person elected to an office under Section [20A-1-303](#);

108 (b) a person who is considered to be elected to a municipal office in accordance with
109 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

110 (c) a person who is considered to be elected to a local district office in accordance with
111 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

112 (24) "Election" means a regular general election, a municipal general election, a
113 statewide special election, a local special election, a regular primary election, a municipal
114 primary election, and a local district election.

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

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

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

- 120 (a) preside over other poll workers at a polling place;
- 121 (b) act as the presiding election judge; or
- 122 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 123 (28) "Election officer" means:
- 124 (a) the lieutenant governor, for all statewide ballots and elections;
- 125 (b) the county clerk for:
- 126 (i) a county ballot and election; and
- 127 (ii) a ballot and election as a provider election officer as provided in Section
- 128 [20A-5-400.1](#) or [20A-5-400.5](#);
- 129 (c) the municipal clerk for:
- 130 (i) a municipal ballot and election; and
- 131 (ii) a ballot and election as a provider election officer as provided in Section
- 132 [20A-5-400.1](#) or [20A-5-400.5](#);
- 133 (d) the local district clerk or chief executive officer for:
- 134 (i) a local district ballot and election; and
- 135 (ii) a ballot and election as a provider election officer as provided in Section
- 136 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 137 (e) the business administrator or superintendent of a school district for:
- 138 (i) a school district ballot and election; and
- 139 (ii) a ballot and election as a provider election officer as provided in Section
- 140 [20A-5-400.1](#) or [20A-5-400.5](#).
- 141 (29) "Election official" means any election officer, election judge, or poll worker.
- 142 (30) "Election results" means:
- 143 (a) for an election other than a bond election, the count of votes cast in the election and
- 144 the election returns requested by the board of canvassers; or
- 145 (b) for bond elections, the count of those votes cast for and against the bond
- 146 proposition plus any or all of the election returns that the board of canvassers may request.
- 147 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 148 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 149 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 150 form, and the total votes cast form.

151 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
152 device or other voting device that records and stores ballot information by electronic means.

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

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

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

158 (35) "Inactive voter" means a registered voter who has:

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

160 (b) failed to respond to that notice.

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

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

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

166 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
167 Local Government Entities - Local Districts, and includes a special service district under Title
168 17D, Chapter 1, Special Service District Act.

169 (40) "Local district officers" means those local district board members that are required
170 by law to be elected.

171 (41) "Local election" means a regular county election, a regular municipal election, a
172 municipal primary election, a local special election, a local district election, and a bond
173 election.

174 (42) "Local political subdivision" means a county, a municipality, a local district, or a
175 local school district.

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

179 (44) "Municipal executive" means:

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

181 (b) the mayor in the council-manager form of government defined in Subsection

182 10-3b-103(7); or

183 (c) the chair of a metro township form of government defined in Section 10-3b-102.

184 (45) "Municipal general election" means the election held in municipalities and, as

185 applicable, local districts on the first Tuesday after the first Monday in November of each

186 odd-numbered year for the purposes established in Section 20A-1-202.

187 (46) "Municipal legislative body" means:

188 (a) the council of the city or town in any form of municipal government; or

189 (b) the council of a metro township.

190 (47) "Municipal office" means an elective office in a municipality.

191 (48) "Municipal officers" means those municipal officers that are required by law to be

192 elected.

193 (49) "Municipal primary election" means an election held to nominate candidates for

194 municipal office.

195 (50) "Official ballot" means the ballots distributed by the election officer to the poll

196 workers to be given to voters to record their votes.

197 (51) "Official endorsement" means:

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

199 (i) the ballot as an official ballot;

200 (ii) the date of the election; and

201 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the

202 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

203 (B) for a ballot prepared by a county clerk, the words required by Subsection

204 20A-6-301(1)(c)(iii); and

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

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

207 (ii) the ballot number.

208 (52) "Official register" means the official record furnished to election officials by the

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

210 (53) "Paper ballot" means a paper that contains:

211 (a) the names of offices and candidates and statements of ballot propositions to be

212 voted on; and

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

215 (54) "Pilot project" means the election day voter registration pilot project created in
216 Section [20A-4-108](#).

217 (55) "Political party" means an organization of registered voters that has qualified to
218 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
219 and Procedures.

220 (56) "Pollbook" means a record of the names of voters in the order that they appear to
221 cast votes.

222 (57) "Polling place" means the building where voting is conducted.

223 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
224 election, voting, or counting votes.

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

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

227 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
228 in which the voter marks the voter's choice.

229 (60) "Primary convention" means the political party conventions held during the year
230 of the regular general election.

231 (61) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

234 (62) "Provider election officer" means an election officer who enters into a contract or
235 interlocal agreement with a contracting election officer to conduct an election for the
236 contracting election officer's local political subdivision in accordance with Section
237 [20A-5-400.1](#).

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

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

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

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

242 (64) "Provisional ballot envelope" means an envelope printed in the form required by
243 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to

244 verify a person's legal right to vote.

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

247 (66) "Receiving judge" means the poll worker that checks the voter's name in the
248 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
249 after the voter has voted.

250 (67) "Registration form" means a book voter registration form and a by-mail voter
251 registration form.

252 (68) "Regular ballot" means a ballot that is not a provisional ballot.

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

256 (70) "Regular primary election" means the election on the fourth Tuesday of June of
257 each even-numbered year, to nominate candidates of political parties and candidates for
258 nonpartisan local school board positions to advance to the regular general election.

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

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

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

265 [(74)] (73) "Secrecy envelope" means the envelope given to a voter along with the
266 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
267 secrecy of the voter's vote.

268 [(75)] (74) "Special election" means an election held as authorized by Section
269 [20A-1-203](#).

270 [(76)] (75) "Spoiled ballot" means each ballot that:

271 (a) is spoiled by the voter;

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

273 (c) lacks the official endorsement.

274 [(77)] (76) "Statewide special election" means a special election called by the governor

275 or the Legislature in which all registered voters in Utah may vote.

276 [~~(78)~~] (77) "Stub" means the detachable part of each ballot.

277 [~~(79)~~] (78) "Substitute ballots" means replacement ballots provided by an election
278 officer to the poll workers when the official ballots are lost or stolen.

279 [~~(80)~~] (79) "Ticket" means each list of candidates for each political party or for each
280 group of petitioners.

281 [~~(81)~~] (80) "Transfer case" means the sealed box used to transport voted ballots to the
282 counting center.

283 [~~(82)~~] (81) "Vacancy" means the absence of a person to serve in any position created
284 by statute, whether that absence occurs because of death, disability, disqualification,
285 resignation, or other cause.

286 [~~(83)~~] (82) "Valid voter identification" means:

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

289 (i) a currently valid Utah driver license;

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

291 (A) the state; or

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

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

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

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

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

298 (i) a valid tribal identification card;

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

300 (iii) a tribal treaty card; or

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

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

- 306 (ii) a bank or other financial account statement, or a legible copy thereof;
- 307 (iii) a certified birth certificate;
- 308 (iv) a valid Social Security card;
- 309 (v) a check issued by the state or the federal government or a legible copy thereof;
- 310 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 311 (vii) a currently valid Utah hunting or fishing license;
- 312 (viii) certified naturalization documentation;
- 313 (ix) a currently valid license issued by an authorized agency of the United States;
- 314 (x) a certified copy of court records showing the voter's adoption or name change;
- 315 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 316 (xii) a currently valid identification card issued by:
- 317 (A) a local government within the state;
- 318 (B) an employer for an employee; or
- 319 (C) a college, university, technical school, or professional school located within the
- 320 state; or
- 321 (xiii) a current Utah vehicle registration.

322 [~~84~~] (83) "Valid write-in candidate" means a candidate who has qualified as a

323 write-in candidate by following the procedures and requirements of this title.

324 [~~85~~] (84) "Voter" means a person who:

- 325 (a) meets the requirements for voting in an election;
- 326 (b) meets the requirements of election registration;
- 327 (c) is registered to vote; and
- 328 (d) is listed in the official register book.

329 [~~86~~] (85) "Voter registration deadline" means the registration deadline provided in

330 Section [20A-2-102.5](#).

331 [~~87~~] (86) "Voting area" means the area within six feet of the voting booths, voting

332 machines, and ballot box.

333 [~~88~~] (87) "Voting booth" means:

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

337 ~~[(89)]~~ (88) "Voting device" means:

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

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

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

343 (d) an automated voting system under Section [20A-5-302](#); or

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

346 ~~[(90)]~~ (89) "Voting machine" means a machine designed for the sole purpose of
347 recording and tabulating votes cast by voters at an election.

348 ~~[(91)]~~ (90) "Voting poll watcher" means a person appointed as provided in this title to
349 witness the distribution of ballots and the voting process.

350 ~~[(92)]~~ (91) "Voting precinct" means the smallest voting unit established as provided by
351 law within which qualified voters vote at one polling place.

352 ~~[(93)]~~ (92) "Watcher" means a voting poll watcher, a counting poll watcher, an
353 inspecting poll watcher, and a testing watcher.

354 ~~[(94)]~~ (93) "Western States Presidential Primary" means the election established in
355 Chapter 9, Part 8, Western States Presidential Primary.

356 ~~[(95)]~~ (94) "Write-in ballot" means a ballot containing any write-in votes.

357 ~~[(96)]~~ (95) "Write-in vote" means a vote cast for a person whose name is not printed on
358 the ballot according to the procedures established in this title.

359 Section 2. Section **20A-3-106** is amended to read:

360 **20A-3-106. Voting -- Writing in names -- Effect of unnecessary marking of cross.**

361 (1) When voting a paper ballot, any voter desiring to vote for all the candidates who are
362 listed on the ballot as being from any one registered political party may~~[: (a) mark in the circle~~
363 ~~or position above that political party; (b)]~~ mark in the squares or position opposite the names of
364 all candidates for that party ticket~~[: or]~~.

365 ~~[(c) make both markings.]~~

366 (2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates who
367 are listed on the ballot as being from any one registered political party may~~[: (i) mark the~~

368 ~~selected party on the straight party page or section; or (ii)] mark the name of each candidate~~
 369 ~~from that party.~~

370 (b) To vote for candidates from two or more political parties, the voter may~~[:(i)]~~ mark
 371 in the squares or positions opposite the names of the candidates for whom the voter wishes to
 372 vote ~~[without marking in any circle; or].~~

373 ~~[(ii) indicate the voter's choice by:]~~

374 ~~[(A) marking in the circle or position above one political party; and]~~

375 ~~[(B) marking in the squares or positions opposite the names of desired candidates who~~
 376 ~~are members of any party, are unaffiliated, or are listed without party name:]~~

377 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the
 378 candidates who are listed on the ballot as being from any one registered political party may~~[:(i)]~~
 379 ~~select that party on the straight party selection area; or (ii)] select the name of each candidate~~
 380 ~~from that party.~~

381 (b) To vote for candidates from two or more political parties, the voter may~~[:(i)]~~ select
 382 the names of the candidates for whom the voter wishes to vote ~~[without selecting a political~~
 383 ~~party in the straight party selection area; or].~~

384 ~~[(ii) (A) select a political party in the straight party selection area; and]~~

385 ~~[(B) select the names of the candidates for whom the voter wishes to vote who are~~
 386 ~~members of any party, are unaffiliated, or are listed without party name:]~~

387 ~~[(4) In any election other than a primary election, if a voter voting a ballot has selected~~
 388 ~~or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote~~
 389 ~~for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall~~
 390 ~~select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.]~~

391 ~~[(5)]~~ (4) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:

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

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

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

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

399 (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person
400 whose name is written or whose sticker appears in the blank write-in part of the ballot, if a
401 mark is made opposite that name.

402 (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on
403 the ticket below the marked circle does not affect the validity of the vote.

404 ~~[(6)]~~ (5) The voter may cast a write-in vote on an electronic ballot by:

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

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

408 Section 3. Section **20A-4-102** is amended to read:

409 **20A-4-102. Counting paper ballots after the polls close.**

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

413 (b) The election judges shall apply the standards and requirements of Section
414 [20A-4-105](#) to resolve any questions that arise as they count the ballots.

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

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

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

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

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

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

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

- 430 (3) The judges shall:
- 431 (a) place all unused ballots in the envelope or container provided for return to the
- 432 county clerk or city recorder; and
- 433 (b) seal that envelope or container.
- 434 (4) The judges shall:
- 435 (a) place all of the provisional ballot envelopes in the envelope provided for them for
- 436 return to the election officer; and
- 437 (b) seal that envelope or container.
- 438 (5) (a) In counting the votes, the election judges shall read and count each ballot
- 439 separately.
- 440 (b) In regular primary elections the judges shall:
- 441 (i) count the number of ballots cast for each party;
- 442 (ii) place the ballots cast for each party in separate piles; and
- 443 (iii) count all the ballots for one party before beginning to count the ballots cast for
- 444 other parties.
- 445 (6) (a) In all elections, the counting judges shall:
- 446 (i) count one vote for each candidate designated by the marks in the squares next to the
- 447 candidate's name;
- 448 ~~[(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding~~
- 449 ~~any candidate for an office for which a vote has been cast for a candidate for the same office~~
- 450 ~~upon another ticket by the placing of a mark in the square opposite the name of that candidate~~
- 451 ~~on the other ticket;]~~
- 452 [(iii)] (ii) count each vote for each write-in candidate who has qualified by filing a
- 453 declaration of candidacy under Section [20A-9-601](#);
- 454 [(iv)] (iii) read every name marked on the ballot and mark every name upon the tally
- 455 sheets before another ballot is counted;
- 456 [(v)] (iv) evaluate each ballot and each vote based on the standards and requirements of
- 457 Section [20A-4-105](#);
- 458 [(vi)] (v) write the word "spoiled" on the back of each ballot that lacks the official
- 459 endorsement and deposit it in the spoiled ballot envelope; and
- 460 [(vii)] (vi) read, count, and record upon the tally sheets the votes that each candidate

461 and ballot proposition received from all ballots, except excess or spoiled ballots.

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

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

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

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

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

471 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

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

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

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

479 (a) it is in the proper place; and

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

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

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

485 ~~[(5)]~~ (4) A counter may not reject a ballot marked by the voter because of marks on the
486 ballot other than those marks allowed by this section unless the extraneous marks on a ballot or
487 group of ballots show an intent by a person or group to mark their ballots so that their ballots
488 can be identified.

489 ~~[(6)]~~ (5) (a) In counting the ballots, the counters shall give full consideration to the
490 intent of the voter.

491 (b) The counters may not invalidate a ballot because of mechanical and technical

492 defects in voting or failure on the part of the voter to follow strictly the rules for balloting
493 required by Chapter 3, Voting.

494 ~~[(7)]~~ (6) The counters may not reject a ballot because of any error in:

495 (a) stamping or writing any official endorsement; or

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

497 ~~[(8)]~~ (7) The counter may not count any paper ballot that does not have the official
498 endorsement by an election officer.

499 ~~[(9)]~~ (8) The counter may not count any ballot proposition vote or candidate vote for
500 which the voter is not "legally entitled to vote" as used in Section [20A-4-107](#).

501 ~~[(10)]~~ (9) If the counter discovers that the name of a candidate voted for is misspelled
502 or that the initial letters of a candidate's given name are transposed or omitted in part or
503 altogether, the counter shall count the voter's vote for that candidate if it is apparent that the
504 voter intended to vote for that candidate.

505 ~~[(11)]~~ (10) The counter shall count a vote for the president and the vice president of
506 any political party as a vote for the presidential electors selected by the political party.

507 ~~[(12)]~~ (11) In counting the valid write-in votes, if, by casting a valid write-in vote, a
508 voter has cast more votes for an office than that voter is entitled to vote for that office, the
509 judges shall count the valid write-in vote as being the obvious intent of the voter.

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

511 **20A-5-302. Automated voting system.**

512 (1) (a) Any county or municipal legislative body or local district board may:

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

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

517 (b) Nothing in this title shall be construed to require the use of electronic voting
518 devices in local special elections, municipal primary elections, or municipal general elections.

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

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

522 (ii) permit each voter at any election to:

- 523 (A) vote for all persons and offices for whom and for which that voter is lawfully
524 entitled to vote;
- 525 (B) vote for as many persons for an office as that voter is entitled to vote; and
- 526 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;
- 527 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the
528 candidates of that party for president, vice president, and for their presidential electors;
- 529 [~~(iv) permit each voter, at any regular general election, to vote for all the candidates of~~
530 ~~one registered political party by making one mark or punch;~~]
- 531 [~~(v) permit each voter to scratch vote;~~]
- 532 [~~(vi)~~ (iv) at elections other than primary elections, permit each voter to vote for the
533 nominees of one or more parties and for independent candidates;
- 534 [~~(vii)~~ (v) at primary elections:
- 535 (A) permit each voter to vote for candidates of the political party of [~~his~~] the voter's
536 choice; and
- 537 (B) reject any votes cast for candidates of another party;
- 538 [~~(viii)~~ (vi) prevent the voter from voting for the same person more than once for the
539 same office;
- 540 [~~(ix)~~ (vii) provide the opportunity for each voter to change the ballot and to correct
541 any error before the voter casts the ballot in compliance with the Help America Vote Act of
542 2002, Pub. L. No. 107-252;
- 543 [~~(x)~~ (viii) include automatic tabulating equipment that rejects choices recorded on a
544 voter's ballot if the number of the voter's recorded choices is greater than the number which the
545 voter is entitled to vote for the office or on the measure;
- 546 [~~(xi)~~ (ix) be of durable construction, suitably designed so that it may be used safely,
547 efficiently, and accurately in the conduct of elections and counting ballots;
- 548 [~~(xii)~~ (x) when properly operated, record correctly and count accurately each vote cast;
- 549 [~~(xiii)~~ (xi) for voting equipment certified after January 1, 2005, produce a permanent
550 paper record that:
- 551 (A) shall be available as an official record for any recount or election contest
552 conducted with respect to an election where the voting equipment is used;
- 553 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling

554 place; and

555 (II) shall permit the voter to inspect the record of the voter's selections independently
556 only if reasonably practicable commercial methods permitting independent inspection are
557 available at the time of certification of the voting equipment by the lieutenant governor;

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

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

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

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

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

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

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

574 **20A-6-301. Paper ballots -- Regular general election.**

575 (1) Each election officer shall ensure that:

576 (a) all paper ballots furnished for use at the regular general election contain:

577 (i) no captions or other endorsements except as provided in this section;

578 (ii) no symbols, markings, or other descriptions of a political party or group, except for
579 a registered political party that has chosen to nominate its candidates in accordance with
580 Section [20A-9-403](#); and

581 (iii) no indication that a candidate for elective office has been nominated by, or has
582 been endorsed by, or is in any way affiliated with a political party or group, unless the
583 candidate has been nominated by a registered political party in accordance with Subsection
584 [20A-9-202](#)(4) or Subsection [20A-9-403](#)(5).

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

587 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
588 stub; and

589 (iii) ballot stubs are numbered consecutively;

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

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

593 (ii) the date of the election; and

594 (iii) the words "Clerk of _____ County";

595 (d) each ticket is placed in a separate column on the ballot in the order specified under
596 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
597 column;

598 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
599 high;

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

602 [~~(g)~~] (f) unaffiliated candidates, candidates not affiliated with a registered political
603 party, and all other candidates for elective office who were not nominated by a registered
604 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are
605 listed in one column in the order specified under Section 20A-6-305 [~~, without a party circle,~~]
606 with the following instructions printed at the head of the column: "All candidates not affiliated
607 with a political party are listed below. They are to be considered with all offices and
608 candidates listed to the left. Only one vote is allowed for each office.";

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

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

613 [~~(j)~~] (i) the names of candidates are printed in capital letters, not less than one-eighth
614 nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,
615 between lines or rules three-eighths of an inch apart;

616 ~~[(k)]~~ (j) a square with sides measuring not less than one-fourth of an inch in length is
617 printed immediately adjacent to the name of each candidate;

618 ~~[(j)]~~ (k) for the offices of president and vice president and governor and lieutenant
619 governor, one square with sides measuring not less than one-fourth of an inch in length is
620 printed on the same side as but opposite a double bracket enclosing the names of the two
621 candidates;

622 ~~[(m)]~~ (l) in an election in which a voter is authorized to cast a write-in vote and where
623 a write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the
624 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as
625 many written names of candidates as there are persons to be elected with:

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

628 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
629 square with sides measuring not less than one-fourth of an inch in length printed immediately
630 adjacent to the blank horizontal line; or

631 (B) for the offices of president and vice president and governor and lieutenant
632 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
633 valid write-in candidates, and one square with sides measuring not less than one-fourth of an
634 inch in length printed on the same side as but opposite a double bracket enclosing the two
635 blank horizontal lines; and

636 (ii) the words "Write-In Voting Column" printed at the head of the column ~~[without a~~
637 ~~one-half inch circle]~~;

638 ~~[(n)]~~ (m) when required, the ballot includes a nonpartisan ticket placed immediately
639 adjacent to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the
640 unaffiliated ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule
641 running vertically the full length of the nonpartisan ballot copy; and

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

644 (2) Each election officer shall ensure that:

645 (a) each person nominated by any registered political party under Subsection
646 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

- 647 (i) under the registered political party's name and emblem, if any; or
648 (ii) under the title of the registered political party as designated by them in their
649 certificates of nomination or petition, or, if none is designated, then under some suitable title;
- 650 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
651 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
- 652 (c) the names of the candidates for president and vice president are used on the ballot
653 instead of the names of the presidential electors; and
- 654 (d) the ballots contain no other names.
- 655 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
656 that:
- 657 (a) the designation of the office to be filled in the election and the number of
658 candidates to be elected are printed in type not smaller than eight point;
- 659 (b) the words designating the office are printed flush with the left-hand margin;
- 660 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
661 which the voter may vote)" extend to the extreme right of the column;
- 662 (d) the nonpartisan candidates are grouped according to the office for which they are
663 candidates;
- 664 (e) the names in each group are placed in the order specified under Section [20A-6-305](#)
665 with the surnames last; and
- 666 (f) each group is preceded by the designation of the office for which the candidates
667 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of
668 candidates for which the voter may vote)," according to the number to be elected.
- 669 (4) Each election officer shall ensure that:
- 670 (a) proposed amendments to the Utah Constitution are listed on the ballot in
671 accordance with Section [20A-6-107](#);
- 672 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
673 with Section [20A-6-107](#); and
- 674 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
675 title assigned to each bond proposition under Section [11-14-206](#).
- 676 Section 7. Section **20A-6-303** is amended to read:
- 677 **20A-6-303. Regular general election -- Ballot sheets.**

- 678 (1) Each election officer shall ensure that:
- 679 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
680 approximately the same order as paper ballots;
- 681 (b) the titles of offices and the names of candidates are printed in vertical columns or in
682 a series of separate pages;
- 683 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
684 include, after the list of candidates:
- 685 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
686 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 687 ~~[(d) (i) a voting square or position is included where the voter may record a straight
688 party ticket vote for all the candidates who are listed on the ballot as being from one party by
689 one mark or punch; and]~~
- 690 ~~[(ii) the name of each political party listed in the straight party selection area includes
691 the word "party" at the end of the party's name;]~~
- 692 ~~[(e)]~~ (d) the tickets are printed in the order specified under Section 20A-6-305;
- 693 ~~[(f)]~~ (e) the office titles are printed immediately adjacent to the names of candidates so
694 as to indicate clearly the candidates for each office and the number to be elected;
- 695 ~~[(g)]~~ (f) the party designation of each candidate who has been nominated by a
696 registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is printed
697 immediately adjacent to the candidate's name; and
- 698 ~~[(h)]~~ (g) (i) if possible, all candidates for one office are grouped in one column or upon
699 one page;
- 700 (ii) if all candidates for one office cannot be listed in one column or grouped on one
701 page:
- 702 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
703 candidates is continued on the following column or page; and
- 704 (B) approximately the same number of names shall be printed in each column or on
705 each page.
- 706 (2) Each election officer shall ensure that:
- 707 (a) proposed amendments to the Utah Constitution are listed in accordance with
708 Section 20A-6-107;

709 (b) ballot propositions submitted to the voters are listed in accordance with Section
710 20A-6-107; and

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

713 Section 8. Section 20A-6-304 is amended to read:

714 **20A-6-304. Regular general election -- Electronic ballots.**

715 (1) Each election officer shall ensure that:

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

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

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

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

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

723 ~~[(d) (i) a voting square or position is included where the voter may record a straight
724 party ticket vote for all the candidates who are listed on the ballot as being from one party by
725 making a single selection; and]~~

726 ~~[(ii) the name of each political party listed in the straight party selection area includes
727 the word "party" at the end of the party's name;]~~

728 ~~[(e)]~~ (d) the tickets are displayed in the order specified under Section 20A-6-305;

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

731 ~~[(g)]~~ (f) the party designation of each candidate who has been nominated by a
732 registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is
733 displayed adjacent to the candidate's name; and

734 ~~[(h)]~~ (g) if possible, all candidates for one office are grouped in one column or upon
735 one display screen.

736 (2) Each election officer shall ensure that:

737 (a) proposed amendments to the Utah Constitution are displayed in accordance with
738 Section 20A-6-107;

739 (b) ballot propositions submitted to the voters are displayed in accordance with Section

740 20A-6-107; and

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

743 Section 9. Section 20A-6-305 is amended to read:

744 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
745 **Publication -- Surname -- Exemptions.**

746 (1) As used in this section, "master ballot position list" means an official list of the 26
747 characters in the alphabet listed in random order and numbered from one to 26 as provided
748 under Subsection (2).

749 (2) The lieutenant governor shall:

750 (a) by November 15 in the year before each regular general election, conduct a random
751 selection to establish the master ballot position list for the next year and the year following in
752 accordance with procedures established under Subsection (2)(c);

753 (b) publish the master ballot position lists on the lieutenant governor's election website
754 on or before November 15 in the year before each regular general election; and

755 (c) establish written procedures for:

756 (i) the election official to use the master ballot position list; and

757 (ii) the lieutenant governor in:

758 (A) conducting the random selection in a fair manner; and

759 (B) providing a record of the random selection process used.

760 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
761 election officer shall use the master ballot position list for the current year to determine the
762 order in which to list candidates on the ballot for an election held during the year.

763 (4) To determine the order in which to list candidates on the ballot required under
764 Subsection (3), the election officer shall apply the randomized alphabet using:

765 (a) the candidate's surname;

766 (b) for candidates with a surname that has the same spelling, the candidate's given
767 name; and

768 (c) the surname of the president and the surname of the governor for an election for the
769 offices of president and vice president and governor and lieutenant governor[; ~~and~~].

770 [~~(d) if the ballot provides for a ticket or a straight party ticket, the registered political~~

771 party name.]

772 (5) This section does not apply to:

773 (a) an election for an office for which only one candidate is listed on the ballot; or

774 (b) a judicial retention election under Section 20A-12-201.

775 Section 10. Section 20A-9-406 is amended to read:

776 **20A-9-406. Qualified political party -- Requirements and exemptions.**

777 The following provisions apply to a qualified political party:

778 (1) the qualified political party shall, no later than 5 p.m. on March 1 of each
779 even-numbered year, certify to the lieutenant governor the identity of one or more registered
780 political parties whose members may vote for the qualified political party's candidates;

781 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
782 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
783 political party;

784 (3) an individual may only seek the nomination of the qualified political party by using
785 a method described in Section 20A-9-407, Section 20A-9-408, or both;

786 (4) the qualified political party shall comply with the provisions of Sections
787 20A-9-407, 20A-9-408, and 20A-9-409;

788 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(~~g~~)(f), or (2)(a), each election
789 officer shall ensure that a ballot described in Section 20A-6-301 includes each person
790 nominated by a qualified political party:

791 (a) under the qualified political party's name and emblem, if any; or

792 (b) under the title of the qualified registered political party as designated by the
793 qualified political party in the certification described in Subsection (1), or, if none is
794 designated, then under some suitable title;

795 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
796 paper ballots in regular general elections, that each candidate who is nominated by the qualified
797 political party is listed by party;

798 (7) notwithstanding Subsection 20A-6-303(1)(~~g~~)(f), each election officer shall ensure
799 that the party designation of each candidate who is nominated by the qualified political party is
800 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

801 (8) notwithstanding Subsection 20A-6-304(1)(~~g~~)(f), each election officer shall ensure

802 that the party designation of each candidate who is nominated by the qualified political party is
803 displayed adjacent to the candidate's name on an electronic ballot;

804 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
805 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
806 20A-9-408 to run in a regular general election for a federal office, constitutional office,
807 multicounty office, or county office;

808 (10) an individual who is nominated by, or seeking the nomination of, the qualified
809 political party is not required to comply with Subsection 20A-9-201(1)(c);

810 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
811 to have each of the qualified political party's candidates for elective office appear on the
812 primary ballot of the qualified political party with an indication that each candidate is a
813 candidate for the qualified political party;

814 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
815 on the list provided by the lieutenant governor to the county clerks:

816 (a) the names of all candidates of the qualified political party for federal, constitutional,
817 multicounty, and county offices; and

818 (b) the names of unopposed candidates for elective office who have been nominated by
819 the qualified political party and instruct the county clerks to exclude such candidates from the
820 primary-election ballot;

821 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
822 elective office in the regular primary election of the qualified political party is nominated by
823 the party for that office without appearing on the primary ballot; and

824 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
825 20A-9-405, the qualified political party is entitled to have the names of its candidates for
826 elective office featured with party affiliation on the ballot at a regular general election.