

Representative Keven J. Stratton proposes the following substitute bill:

VOTING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill amends provisions related to voting.

Highlighted Provisions:

This bill:

- ▶ consolidates definitions associated with poll watchers and defines other terms;
- ▶ creates a process for an individual to register as a watcher;
- ▶ designates activities in which a watcher may engage;
- ▶ prohibits a watcher from taking certain actions;
- ▶ permits an election officer to take certain actions with regard to a watcher;
- ▶ establishes criminal penalties;
- ▶ modifies deadlines related to the challenge of an individual's eligibility to vote;
- ▶ removes obsolete ballot perforation and ballot stub provisions;
- ▶ modifies requirements for using a voting center ballot;
- ▶ modifies provisions relating to curing an invalid absentee ballot; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52

30 **20A-1-607**, as enacted by Laws of Utah 1993, Chapter 1

31 **20A-3-202**, as last amended by Laws of Utah 2012, Chapter 251

32 **20A-3-202.3**, as last amended by Laws of Utah 2015, Chapter 19

33 **20A-3-202.5**, as enacted by Laws of Utah 2010, Chapter 83

34 **20A-3-203**, as enacted by Laws of Utah 1993, Chapter 1

35 **20A-3-308**, as last amended by Laws of Utah 2017, Chapter 235 and last amended by
36 Coordination Clause, Laws of Utah 2017, Chapter 327

37 **20A-3-702**, as last amended by Laws of Utah 2013, Chapter 198

38 **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225

39 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177

40 **20A-4-104**, as last amended by Laws of Utah 2017, Chapter 327

41 **20A-4-202**, as last amended by Laws of Utah 2007, Chapters 75 and 97

42 **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329

43 **20A-5-406**, as last amended by Laws of Utah 2015, Chapter 392

44 **20A-6-102**, as last amended by Laws of Utah 2016, Chapter 66

45 **20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66

46 **20A-6-401**, as last amended by Laws of Utah 2016, Chapter 176

47 **20A-6-401.1**, as last amended by Laws of Utah 2013, Chapter 320

48 **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176

49 **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91

50 **20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91

51 REPEALS AND REENACTS:

52 **20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388

53 REPEALS:

54 **20A-15-105**, as enacted by Laws of Utah 1995, Chapter 1

55

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

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

58 **20A-1-102. Definitions.**

59 As used in this title:

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

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

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

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

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

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

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

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

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

75 (b) a constitutional amendment;

76 (c) an initiative;

77 (d) a referendum;

78 (e) a bond proposition;

79 (f) a judicial retention question;

80 (g) an incorporation of a city or town; or

81 (h) any other ballot question specifically authorized by the Legislature.

82 (6) "Ballot sheet":

83 (a) means a ballot that:

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

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

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

87 (7) "Bind," "binding," or "bound" means securing more than one piece of paper

88 together with a staple or stitch in at least three places across the top of the paper in the blank
89 space reserved for securing the paper.

90 (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and
91 20A-4-306 to canvass election returns.

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

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

96 (11) "Business reply mail envelope" means an envelope that may be mailed free of
97 charge by the sender.

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

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

102 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
103 the canvass.

104 (15) "Contracting election officer" means an election officer who enters into a contract
105 or interlocal agreement with a provider election officer.

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

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

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

112 [~~(19) "Counting poll watcher" means a person selected as provided in Section~~
113 ~~20A-3-201 to witness the counting of ballots.]~~

114 [(20)] (19) "Counting room" means a suitable and convenient private place or room,
115 immediately adjoining the place where the election is being held, for use by the poll workers
116 and counting judges to count ballots during election day.

117 [(21)] (20) "County officers" means those county officers that are required by law to be
118 elected.

- 119 ~~[(22)]~~ (21) "Date of the election" or "election day" or "day of the election":
- 120 (a) means the day that is specified in the calendar year as the day that the election
- 121 occurs; and
- 122 (b) does not include:
- 123 (i) deadlines established for absentee voting; or
- 124 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
- 125 Voting.
- 126 ~~[(23)]~~ (22) "Elected official" means:
- 127 (a) a person elected to an office under Section 20A-1-303;
- 128 (b) a person who is considered to be elected to a municipal office in accordance with
- 129 Subsection 20A-1-206(1)(c)(ii); or
- 130 (c) a person who is considered to be elected to a local district office in accordance with
- 131 Subsection 20A-1-206(3)(c)(ii).
- 132 ~~[(24)]~~ (23) "Election" means a regular general election, a municipal general election, a
- 133 statewide special election, a local special election, a regular primary election, a municipal
- 134 primary election, and a local district election.
- 135 ~~[(25)]~~ (24) "Election Assistance Commission" means the commission established by
- 136 the Help America Vote Act of 2002, Pub. L. No. 107-252.
- 137 ~~[(26)]~~ (25) "Election cycle" means the period beginning on the first day persons are
- 138 eligible to file declarations of candidacy and ending when the canvass is completed.
- 139 ~~[(27)]~~ (26) "Election judge" means a poll worker that is assigned to:
- 140 (a) preside over other poll workers at a polling place;
- 141 (b) act as the presiding election judge; or
- 142 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 143 ~~[(28)]~~ (27) "Election officer" means:
- 144 (a) the lieutenant governor, for all statewide ballots and elections;
- 145 (b) the county clerk for:
- 146 (i) a county ballot and election; and
- 147 (ii) a ballot and election as a provider election officer as provided in Section
- 148 20A-5-400.1 or 20A-5-400.5;
- 149 (c) the municipal clerk for:

- 150 (i) a municipal ballot and election; and
- 151 (ii) a ballot and election as a provider election officer as provided in Section
- 152 [20A-5-400.1](#) or [20A-5-400.5](#);
- 153 (d) the local district clerk or chief executive officer for:
 - 154 (i) a local district ballot and election; and
 - 155 (ii) a ballot and election as a provider election officer as provided in Section
 - 156 [20A-5-400.1](#) or [20A-5-400.5](#); or
 - 157 (e) the business administrator or superintendent of a school district for:
 - 158 (i) a school district ballot and election; and
 - 159 (ii) a ballot and election as a provider election officer as provided in Section
 - 160 [20A-5-400.1](#) or [20A-5-400.5](#).
- 161 [~~29~~] (28) "Election official" means any election officer, election judge, or poll
- 162 worker.
- 163 [~~30~~] (29) "Election results" means:
 - 164 (a) for an election other than a bond election, the count of votes cast in the election and
 - 165 the election returns requested by the board of canvassers; or
 - 166 (b) for bond elections, the count of those votes cast for and against the bond
 - 167 proposition plus any or all of the election returns that the board of canvassers may request.
- 168 [~~31~~] (30) "Election returns" includes the pollbook, the military and overseas absentee
- 169 voter registration and voting certificates, one of the tally sheets, any unprocessed absentee
- 170 ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot
- 171 disposition form, and the total votes cast form.
- 172 [~~32~~] (31) "Electronic ballot" means a ballot that is recorded using a direct electronic
- 173 voting device or other voting device that records and stores ballot information by electronic
- 174 means.
- 175 [~~33~~] (32) "Electronic signature" means an electronic sound, symbol, or process
- 176 attached to or logically associated with a record and executed or adopted by a person with the
- 177 intent to sign the record.
- 178 [~~34~~] (33) (a) "Electronic voting device" means a voting device that uses electronic
- 179 ballots.
- 180 (b) "Electronic voting device" includes a direct recording electronic voting device.

181 ~~[(35)]~~ (34) "Inactive voter" means a registered voter who is listed as inactive by a
182 county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

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

185 ~~[(37)]~~ (35) "Judicial office" means the office filled by any judicial officer.

186 ~~[(38)]~~ (36) "Judicial officer" means any justice or judge of a court of record or any
187 county court judge.

188 ~~[(39)]~~ (37) "Local district" means a local government entity under Title 17B, Limited
189 Purpose Local Government Entities - Local Districts, and includes a special service district
190 under Title 17D, Chapter 1, Special Service District Act.

191 ~~[(40)]~~ (38) "Local district officers" means those local district board members that are
192 required by law to be elected.

193 ~~[(41)]~~ (39) "Local election" means a regular county election, a regular municipal
194 election, a municipal primary election, a local special election, a local district election, and a
195 bond election.

196 ~~[(42)]~~ (40) "Local political subdivision" means a county, a municipality, a local
197 district, or a local school district.

198 ~~[(43)]~~ (41) "Local special election" means a special election called by the governing
199 body of a local political subdivision in which all registered voters of the local political
200 subdivision may vote.

201 ~~[(44)]~~ (42) "Municipal executive" means:

202 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

203 (b) the mayor in the council-manager form of government defined in Subsection
204 10-3b-103(7); or

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

206 ~~[(45)]~~ (43) "Municipal general election" means the election held in municipalities and,
207 as applicable, local districts on the first Tuesday after the first Monday in November of each
208 odd-numbered year for the purposes established in Section 20A-1-202.

209 ~~[(46)]~~ (44) "Municipal legislative body" means:

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

211 (b) the council of a metro township.

212 [~~(47)~~] (45) "Municipal office" means an elective office in a municipality.

213 [~~(48)~~] (46) "Municipal officers" means those municipal officers that are required by

214 law to be elected.

215 [~~(49)~~] (47) "Municipal primary election" means an election held to nominate

216 candidates for municipal office.

217 [~~(50)~~] (48) "Municipality" means a city, town, or metro township.

218 [~~(51)~~] (49) "Official ballot" means the ballots distributed by the election officer to the

219 poll workers to be given to voters to record their votes.

220 [~~(52)~~] (50) "Official endorsement" means:

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

222 (i) the ballot as an official ballot;

223 (ii) the date of the election; and

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

225 facsimile signature required by Subsection [20A-6-401\(1\)](#)[~~(b)~~](a)(iii); or

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

227 [20A-6-301\(1\)](#)[~~(c)~~](b)(iii); and

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

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

230 (ii) the ballot number.

231 [~~(53)~~] (51) "Official register" means the official record furnished to election officials

232 by the election officer that contains the information required by Section [20A-5-401](#).

233 [~~(54)~~] (52) "Paper ballot" means a paper that contains:

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

235 voted on; and

236 (b) spaces for the voter to record the voter's vote for each office and for or against each

237 ballot proposition.

238 [~~(55)~~] (53) "Political party" means an organization of registered voters that has

239 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party

240 Formation and Procedures.

241 [~~(58)~~] (54) (a) "Poll worker" means a person assigned by an election official to assist

242 with an election, voting, or counting votes.

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

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

245 ~~[(56)]~~ (55) "Pollbook" means a record of the names of voters in the order that they
246 appear to cast votes.

247 ~~[(57)]~~ (56) "Polling place" means the building where voting is conducted.

248 ~~[(59)]~~ (57) "Position" means a square, circle, rectangle, or other geometric shape on a
249 ballot in which the voter marks the voter's choice.

250 ~~[(60)]~~ (58) "Primary convention" means the political party conventions held during the
251 year of the regular general election.

252 ~~[(61)]~~ (59) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

255 ~~[(62)]~~ (60) "Provider election officer" means an election officer who enters into a
256 contract or interlocal agreement with a contracting election officer to conduct an election for
257 the contracting election officer's local political subdivision in accordance with Section
258 [20A-5-400.1](#).

259 ~~[(63)]~~ (61) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

263 ~~[(64)]~~ (62) "Provisional ballot envelope" means an envelope printed in the form
264 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
265 information to verify a person's legal right to vote.

266 ~~[(65)]~~ (63) "Qualify" or "qualified" means to take the oath of office and begin
267 performing the duties of the position for which the person was elected.

268 ~~[(66)]~~ (64) "Receiving judge" means the poll worker that checks the voter's name in the
269 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
270 after the voter has voted.

271 ~~[(67)]~~ (65) "Registration form" means a book voter registration form and a by-mail
272 voter registration form.

273 ~~[(68)]~~ (66) "Regular ballot" means a ballot that is not a provisional ballot.

274 [~~(69)~~] (67) "Regular general election" means the election held throughout the state on
275 the first Tuesday after the first Monday in November of each even-numbered year for the
276 purposes established in Section 20A-1-201.

277 [~~(70)~~] (68) "Regular primary election" means the election on the fourth Tuesday of
278 June of each even-numbered year, to nominate candidates of political parties and candidates for
279 nonpartisan local school board positions to advance to the regular general election.

280 [~~(71)~~] (69) "Resident" means a person who resides within a specific voting precinct in
281 Utah.

282 [~~(72)~~] (70) "Sample ballot" means a mock ballot similar in form to the official ballot
283 printed and distributed as provided in Section 20A-5-405.

284 [~~(73)~~] (71) "Scratch vote" means to mark or punch the straight party ticket and then
285 mark or punch the ballot for one or more candidates who are members of different political
286 parties or who are unaffiliated.

287 [~~(74)~~] (72) "Secrecy envelope" means the envelope given to a voter along with the
288 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
289 secrecy of the voter's vote.

290 [~~(75)~~] (73) "Special election" means an election held as authorized by Section
291 20A-1-203.

292 [~~(76)~~] (74) "Spoiled ballot" means each ballot that:

- 293 (a) is spoiled by the voter;
294 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
295 (c) lacks the official endorsement.

296 [~~(77)~~] (75) "Statewide special election" means a special election called by the governor
297 or the Legislature in which all registered voters in Utah may vote.

298 [~~(78)~~] (76) "Stub" means the detachable part of each ballot.

299 [~~(79)~~] (77) "Substitute ballots" means replacement ballots provided by an election
300 officer to the poll workers when the official ballots are lost or stolen.

301 [~~(80)~~] (78) "Ticket" means a list of:

- 302 (a) political parties;
303 (b) candidates for an office; or
304 (c) ballot propositions.

305 [~~(81)~~] (79) "Transfer case" means the sealed box used to transport voted ballots to the
306 counting center.

307 [~~(82)~~] (80) "Vacancy" means the absence of a person to serve in any position created
308 by statute, whether that absence occurs because of death, disability, disqualification,
309 resignation, or other cause.

310 [~~(83)~~] (81) "Valid voter identification" means:

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

- 313 (i) a currently valid Utah driver license;
- 314 (ii) a currently valid identification card that is issued by:
 - 315 (A) the state; or
 - 316 (B) a branch, department, or agency of the United States;
- 317 (iii) a currently valid Utah permit to carry a concealed weapon;
- 318 (iv) a currently valid United States passport; or
- 319 (v) a currently valid United States military identification card;

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

- 322 (i) a valid tribal identification card;
- 323 (ii) a Bureau of Indian Affairs card; or
- 324 (iii) a tribal treaty card; or
- 325 (c) two forms of identification not listed under Subsection [~~(83)~~] (81)(a) or (b) but that
326 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
327 which may include:

- 328 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
329 election;
- 330 (ii) a bank or other financial account statement, or a legible copy thereof;
- 331 (iii) a certified birth certificate;
- 332 (iv) a valid social security card;
- 333 (v) a check issued by the state or the federal government or a legible copy thereof;
- 334 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 335 (vii) a currently valid Utah hunting or fishing license;

- 336 (viii) certified naturalization documentation;
- 337 (ix) a currently valid license issued by an authorized agency of the United States;
- 338 (x) a certified copy of court records showing the voter's adoption or name change;
- 339 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 340 (xii) a currently valid identification card issued by:
 - 341 (A) a local government within the state;
 - 342 (B) an employer for an employee; or
 - 343 (C) a college, university, technical school, or professional school located within the
 - 344 state; or
 - 345 (xiii) a current Utah vehicle registration.
- 346 [~~84~~] (82) "Valid write-in candidate" means a candidate who has qualified as a
- 347 write-in candidate by following the procedures and requirements of this title.
- 348 [~~85~~] (83) "Voter" means a person who:
 - 349 (a) meets the requirements for voting in an election;
 - 350 (b) meets the requirements of election registration;
 - 351 (c) is registered to vote; and
 - 352 (d) is listed in the official register book.
- 353 [~~86~~] (84) "Voter registration deadline" means the registration deadline provided in
- 354 Section [20A-2-102.5](#).
- 355 [~~87~~] (85) "Voting area" means the area within six feet of the voting booths, voting
- 356 machines, and ballot box.
- 357 [~~88~~] (86) "Voting booth" means:
 - 358 (a) the space or compartment within a polling place that is provided for the preparation
 - 359 of ballots, including the voting machine enclosure or curtain; or
 - 360 (b) a voting device that is free standing.
- 361 [~~89~~] (87) "Voting device" means:
 - 362 (a) an apparatus in which ballot sheets are used in connection with a punch device for
 - 363 piercing the ballots by the voter;
 - 364 (b) a device for marking the ballots with ink or another substance;
 - 365 (c) an electronic voting device or other device used to make selections and cast a ballot
 - 366 electronically, or any component thereof;

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

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

370 ~~[(90)]~~ (88) "Voting machine" means a machine designed for the sole purpose of
371 recording and tabulating votes cast by voters at an election.

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

374 ~~[(92)]~~ (89) "Voting precinct" means the smallest voting unit established as provided by
375 law within which qualified voters vote at one polling place.

376 ~~[(93)]~~ (90) "Watcher" means ~~[a voting poll watcher, a counting poll watcher, an
377 inspecting poll watcher, and a testing watcher]~~ an individual who complies with the
378 requirements described in Section [20A-3-201](#) to become a watcher for an election.

379 ~~[(94)]~~ (91) "Western States Presidential Primary" means the election established in
380 Chapter 9, Part 8, Western States Presidential Primary.

381 ~~[(95)]~~ (92) "Write-in ballot" means a ballot containing any write-in votes.

382 ~~[(96)]~~ (93) "Write-in vote" means a vote cast for a person whose name is not printed on
383 the ballot according to the procedures established in this title.

384 Section 2. Section [20A-1-607](#) is amended to read:

385 **[20A-1-607. Inducing attendance at polls -- Payment of workers.](#)**

386 (1) (a) It is unlawful for ~~[any]~~ a person to pay another for ~~[any]~~ a loss ~~[due to
387 attendance at the polls or to registering]~~ incurred because an individual voted or registered to
388 vote.

389 (b) ~~[This subsection]~~ Subsection (1)(a) does not permit an employer to make ~~[any]~~ a
390 deduction from the usual salary or wages of ~~[any]~~ an employee who takes a leave of absence as
391 authorized under Section [20A-3-103](#) for the purpose of voting.

392 (2) (a) A person may not pay for personal services performed or to be performed on the
393 day of a caucus, primary, convention, or election, or for any purpose connected with a caucus,
394 primary, convention, or election that directly or indirectly affect the result of the caucus,
395 primary, convention, or election.

396 (b) Subsection (2)(a) does not prohibit ~~[the hiring of persons whose sole duty it is to
397 act as challengers and watch the count of official ballots]~~ a person from hiring a person to act

398 as a watcher.

399 Section 3. Section **20A-3-201** is repealed and reenacted to read:

400 **Part 2. Watchers and Challenges to Voters**

401 **20A-3-201. Watchers.**

402 (1) As used in this section, "administering election officer" means:

403 (a) the election officer; or

404 (b) if the election officer is the lieutenant governor, the county clerk of the county in
405 which an individual will act as a watcher.

406 (2) (a) Any individual may become a watcher in an election at any time by registering
407 as a watcher with the administering election officer.

408 (b) An individual who registers under Subsection (2)(a) is not required to be certified
409 by a person under Subsection (3) in order to act as a watcher.

410 (c) An individual who registers as a watcher shall notify the administering election
411 officer of the dates, times, and locations that the individual intends to act as a watcher.

412 (d) An election official may not prohibit a watcher from performing a function
413 described in Subsection (4) because the watcher did not provide the notice described in
414 Subsection (2)(c).

415 (e) An administering election officer shall provide a copy of this section, or
416 instructions on how to access an electronic copy of this section, to a watcher at the time the
417 watcher registers under this Subsection (2).

418 (3) (a) A person that is a candidate whose name will appear on the ballot, a qualified
419 write-in candidate for the election, a registered political party, or a political issues committee
420 may certify an individual as an official watcher for the person:

421 (i) by filing an affidavit with the administering election officer responsible to designate
422 an individual as an official watcher for the certifying person; and

423 (ii) if the individual registers as a watcher under Subsection (2)(a).

424 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
425 same function described in Subsection (4) at the same time and in the same location as another
426 watcher who is certified by that person.

427 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
428 another individual to serve in the watcher's stead during the watcher's temporary absence by

429 filing with a poll worker an affidavit that designates the individual as a temporary replacement.

430 (4) A watcher may:

431 (a) observe the setup or takedown of a polling location;

432 (b) observe a voter checking in at a polling location;

433 (c) observe the collection, receipt, and processing of a ballot, including a provisional
434 ballot or a ballot cast by a covered voter as defined in Section [20A-16-102](#);

435 (d) observe the transport or transmission of a ballot that is in an election official's
436 custody;

437 (e) observe the opening and inspection of a by-mail ballot;

438 (f) observe ballot duplication;

439 (g) observe the conduct of logic and accuracy testing described in Section [20A-5-802](#);

440 (h) observe ballot tabulation;

441 (i) observe the process of storing and securing a ballot;

442 (j) observe a post-election audit;

443 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,

444 Canvassing Returns;

445 (l) observe the certification of the results of an election; or

446 (m) observe a recount.

447 (5) (a) A watcher may not:

448 (i) electronically record an activity described in Subsection (4);

449 (ii) interfere with an activity described in Subsection (4), except to challenge an
450 individual's eligibility to vote under Section [20A-3-202](#); or

451 (iii) divulge information related to the number of votes counted, tabulated, or cast for a
452 candidate or ballot proposition until after the election officer makes the information public.

453 (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.

454 (6) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working
455 environment for an election official or to protect the safety or security of a ballot, an

456 administering election officer may take reasonable action to:

457 (i) limit the number of watchers at a single location;

458 (ii) remove a watcher for violating a provision of this section;

459 (iii) remove a watcher for interfering with an activity described in Subsection (4);

460 (iv) designate areas for a watcher to reasonably observe the activities described in
461 Subsection (4); or

462 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

463 (b) If an administering election officer limits the number of watchers at a single
464 location under Subsection (6)(a)(i), the administering election officer shall give preferential
465 access to the location to a watcher designated under Subsection (3).

466 (c) An administering election officer may provide a watcher a badge that identifies the
467 watcher and require the watcher to wear the badge while acting as a watcher.

468 Section 4. Section **20A-3-202** is amended to read:

469 **20A-3-202. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**

470 ~~[(1) A person's right to vote may be challenged because:]~~

471 (1) A person may challenge an individual's eligibility to vote on any of the following
472 grounds:

473 (a) the ~~[voter]~~ individual is not the ~~[person]~~ individual in whose name ~~[appears in the~~
474 ~~official register or under which name the right to vote is claimed]~~ the individual tries to vote;

475 (b) the ~~[voter]~~ individual is not a resident of Utah;

476 (c) the ~~[voter]~~ individual is not a citizen of the United States;

477 (d) the ~~[voter]~~ individual has not or will not have resided in Utah for 30 days
478 immediately before the date of the election;

479 (e) the ~~[voter's]~~ individual's principal place of residence is not in the voting precinct
480 ~~[claimed]~~ that the individual claims;

481 (f) the ~~[voter's]~~ individual's principal place of residence is not in the geographic
482 boundaries of the election area;

483 (g) the ~~[voter]~~ individual has already voted in the election;

484 (h) the ~~[voter]~~ individual is not at least 18 years of age;

485 (i) the ~~[voter]~~ individual has been convicted of a misdemeanor for an offense under this
486 title and the ~~[voter's]~~ individual's right to vote in an election has not been restored under
487 Section **20A-2-101.3**;

488 (j) the ~~[voter]~~ individual is a convicted felon and the voter's right to vote in an election
489 has not been restored under Section **20A-2-101.5**; or

490 (k) in a regular primary election or in the Western States Presidential Primary, the

491 [~~voter~~] individual does not meet the political party affiliation requirements for the ballot the
 492 [~~voter~~] individual seeks to vote.

493 (2) A person who challenges [~~another person's~~] an individual's right to vote [~~at~~] in an
 494 election shall [~~do so according to the procedures and requirements of~~] make the challenge in
 495 accordance with:

496 (a) Section 20A-3-202.3, for [~~challenges issued in writing more than 21 days before the~~
 497 ~~day on which voting commences~~] a challenge that is not made in person at the time an
 498 individual votes; or

499 (b) Section 20A-3-202.5, for challenges [~~issued~~] made in person at the time [~~of voting~~]
 500 an individual votes.

501 Section 5. Section 20A-3-202.3 is amended to read:

502 **20A-3-202.3. Pre-election challenges to a voter's eligibility in writing -- Procedure**
 503 **-- Form of challenge.**

504 (1) (a) A person may challenge [~~the right to vote of a person whose name appears on~~
 505 ~~the official register by filing with the election officer, during regular business hours and not~~
 506 ~~later than 21 days before the date that early voting commences;~~] an individual's eligibility to
 507 vote by filing a written statement with the election officer in accordance with Subsection (1)(b)
 508 that:

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

510 (ii) for each [~~voter~~] individual who is challenged:

511 (A) identifies the name of the challenged [~~voter~~] individual;

512 (B) lists the last known address or telephone number of the challenged [~~voter~~]
 513 individual;

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

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

516 (E) may include supporting documents, affidavits, or other evidence; and

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

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

520 (B) according to the filer's personal knowledge and belief, the basis for the challenge
 521 under Section 20A-3-202 for each challenged [~~voter~~] individual is valid.

522 (b) A person that files a written statement under Subsection (1)(a) shall file the written
523 statement during the election officer's regular business hours:

524 (i) at least 45 days before the day of the election; or

525 (ii) if the challenge is to an individual who registered to vote between the day that is 45
526 days before the election and the day of the election:

527 (A) on or before the day of the election; and

528 (B) before the individual's ballot is removed from a ballot envelope or otherwise
529 separated from any information that could be used to identify the ballot as the individual's
530 ballot.

531 ~~[(b)]~~ (c) The challenge may not be based on unsupported allegations or allegations by
532 an anonymous person.

533 ~~[(e) The]~~ (d) An election officer may [provide] require a person that files a challenge
534 under this section to file the challenge on a form provided by the election officer that meets the
535 requirements of this section [for challenges filed under this section].

536 ~~(2) [(a)]~~ If the challenge is not in the proper form, is incomplete, or if the basis for the
537 challenge does not meet the requirements of this part, the election officer [may] shall dismiss
538 the challenge and notify the filer in writing of the reasons for the dismissal.

539 ~~[(b) A challenge is not in the proper form if the challenge form is incomplete.]~~

540 (3) (a) Upon receipt of a challenge that meets the requirements for filing under this
541 section, the election officer shall[-] attempt to notify each challenged individual in accordance
542 with Subsection (3)(b):

543 (i) at least 14 days before the day on which early voting commences, if the election
544 officer receives the challenge under Subsection (1)(b)(i); or

545 (ii) within one business day, if the election officer receives the challenge under
546 Subsection (1)(b)(ii).

547 (b) The election officer shall attempt to notify each challenged [voter] individual:

548 ~~[(a)]~~ (i) that a challenge has been filed against the challenged [voter and] individual;

549 (ii) that the challenged [voter] individual may be required to cast a provisional ballot at
550 the time [of voting] the individual votes if the individual votes in person;

551 (iii) if the election is being conducted entirely by absentee ballot or if the individual is
552 otherwise registered to vote by absentee ballot, that if the individual votes by absentee ballot,

553 the individual's ballot will be treated as a provisional ballot unless the challenge is resolved;

554 ~~[(b)]~~ (iv) of the basis for the challenge, which may include providing a copy of the
 555 ~~[written statement to the challenged voter]~~ challenge the filer filed with the election officer;
 556 and

557 ~~[(c)]~~ (v) that the challenged ~~[voter]~~ individual may submit information, a sworn
 558 statement, supporting documents, affidavits, or other evidence supporting the challenged
 559 ~~[voter's right]~~ individual's eligibility to vote in the election to the election officer no later than:

560 (A) seven days before the day on which early voting commences[-], if the election
 561 officer receives the challenge under Subsection (1)(b)(i); or

562 (B) five days before the day on which the canvass is held, if the election officer
 563 receives the challenge under Subsection (1)(b)(ii).

564 (4) (a) ~~[Before the day on which early voting commences, the]~~ The election officer
 565 shall determine whether each challenged ~~[voter]~~ individual is eligible to vote[-] before the day
 566 on which:

567 (i) early voting commences, if the election officer receives the challenge under
 568 Subsection (1)(b)(i); or

569 (ii) the canvass is held, if the election officer receives the challenge under Subsection
 570 (2)(b)(ii).

571 (b) (i) The filer ~~[of the challenge]~~ has the burden to prove, by clear and convincing
 572 evidence, that the basis for challenging the ~~[voter's right]~~ individual's eligibility to vote is valid.

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

576 (5) A person who files a challenge ~~[under]~~ in accordance with the requirements of this
 577 section is subject to criminal penalties for false statements as provided under Sections [76-8-503](#)
 578 and [76-8-504](#) and any other applicable criminal provision.

579 (6) (a) ~~[A decision of the election officer regarding a person's]~~ A challenged individual
 580 may appeal an election officer's decision regarding the individual's eligibility to vote [may be
 581 appealed] to the district court having jurisdiction over the location where the challenge was
 582 filed.

583 (b) The district court shall uphold the decision of the election officer unless the district

584 court determines that the decision was arbitrary, capricious, or unlawful.

585 (c) In making the district court's determination, the district court's review is limited to:

586 (i) the information [~~submitted~~] filed under Subsection (1)(a) by the [~~person challenging~~
587 ~~the voter's eligibility~~] filer;

588 (ii) the information submitted under Subsection (3)(c) by the challenged [~~voter~~]
589 individual; and

590 (iii) any additional facts and information used by the election official to determine
591 whether the challenged [~~voter~~] individual is eligible to vote, as indicated by the election
592 official.

593 (7) A challenged [~~voter~~] individual may register to vote or change the location of the
594 [~~voter's~~] individual's voter registration if otherwise [~~legally entitled to do so~~] permitted by law.

595 (8) [~~All documents~~] A document pertaining to a [~~voter~~] challenge [~~are public records~~]
596 filed under this section is a public record.

597 Section 6. Section ~~20A-3-202.5~~ is amended to read:

598 **20A-3-202.5. Challenges to a voter's eligibility at time of voting -- Procedure.**

599 (1) (a) A poll worker [~~or a person~~], a watcher, or an individual who lives in the voting
600 precinct may challenge [~~a voter's right~~] an individual's eligibility to vote in that voting precinct
601 or in that election if:

602 (i) the [~~person~~] individual making the challenge and the challenged [~~voter~~] individual
603 are both present at the polling place at the time the challenge is made; and

604 (ii) the challenge is made when the challenged [~~voter~~] individual applies for a ballot.

605 (b) [~~A person~~] An individual may make a challenge by orally stating the challenged
606 [~~voter's~~] individual's name and the basis for the challenge, as provided under Section
607 ~~20A-3-202~~.

608 (2) The poll worker shall record a challenge in the official register and on the challenge
609 sheets in the pollbook, including:

610 (a) the name of the challenged [~~voter~~] individual;

611 (b) the name of the [~~person~~] individual making the challenge; and

612 (c) the basis [~~asserted for the challenge~~] upon which the challenge is made.

613 (3) If [~~a voter's right~~] an individual's eligibility to vote is challenged under this section,
614 the poll worker shall follow the procedures and requirements of Section ~~20A-3-105.5~~.

615 Section 7. Section **20A-3-203** is amended to read:

616 **20A-3-203. Election official or watcher revealing vote.**

617 (1) It is unlawful for [~~any~~] an election official or watcher to reveal to [~~any other~~]
618 another person the name of [~~any~~] a candidate or ballot proposition for whom a voter has voted
619 or to communicate to another [~~his~~] person the election official or watcher's opinion, belief, or
620 impression [~~as to how or~~] regarding for whom or what a voter has voted.

621 (2) [~~Any~~] A person who violates this section is guilty of a class A misdemeanor.

622 Section 8. Section **20A-3-308** is amended to read:

623 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition --**
624 **Notice.**

625 (1) (a) Voting precinct poll workers shall open envelopes containing absentee ballots
626 that are in their custody on election day at the polling places during the time the polls are open
627 as provided in this Subsection (1).

628 (b) The poll workers shall:

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

630 (ii) compare the signature of the voter on the application with the signature on the
631 affidavit.

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

634 (i) the affidavit is sufficient;

635 (ii) the signatures correspond; and

636 (iii) the applicant is registered to vote in that voting precinct and has not voted in that
637 election.

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

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

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

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

644 (ii) if any type of identification was included, record the type of identification provided
645 by the voter in the appropriate space in the official register;

- 646 (iii) record the provisional ballot number on the official register; and
647 (iv) place the provisional ballot envelope with the other provisional ballot envelopes to
648 be transmitted to the county clerk.
- 649 (c) If the absentee ballot is not a provisional ballot, the poll workers shall:
- 650 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to
651 be opened or examined;
- 652 (ii) initial the stub in the same manner as for other ballots;
- 653 (iii) remove the stub from the ballot;
- 654 (iv) deposit the ballot in the ballot box; and
- 655 (v) mark the official register and pollbook to show that the voter has voted.
- 656 (3) If the poll workers determine that the affidavit is insufficient, or that the signatures
657 do not correspond, or that the applicant is not a registered voter in the voting precinct, they
658 shall:
- 659 (a) disallow the vote; and
- 660 (b) without opening the absentee voter envelope, mark across the face of the envelope:
- 661 (i) "Rejected as defective"; or
- 662 (ii) "Rejected as not a registered voter."
- 663 (4) The poll workers shall deposit the absentee voter envelope, when the absentee
664 ballot is voted, and the absentee voter envelope with its contents unopened when the absent
665 vote is rejected, in the ballot box containing the ballots.
- 666 (5) (a) If the election officer rejects an individual's absentee ballot because the election
667 officer determines that the signature on the ballot does not match the individual's signature that
668 is maintained on file, the election officer shall contact the individual in accordance with
669 Subsection (7) by mail, email, text message, or phone, and inform the individual:
- 670 (i) that the individual's signature is in question;
- 671 (ii) how the individual may resolve the issue;
- 672 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
673 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
674 requirements described in Subsection (5)(b).
- 675 (b) An affidavit described in Subsection (5)(a)(iii) shall include:
- 676 (i) an attestation that the individual voted the absentee ballot;

677 (ii) a space for the individual to enter the individual's name, date of birth, and driver
678 license number or the last four digits of the individual's social security number;

679 (iii) a space for the individual to sign the affidavit; and

680 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
681 governor's and county clerk's use of the individual's signature on the affidavit for voter
682 identification purposes.

683 (c) In order for an individual described in Subsection (5)(a) to have the individual's
684 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the
685 election officer.

686 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
687 immediately:

688 (i) scan the signature on the affidavit electronically and keep the signature on file in the
689 statewide voter registration database developed under Section 20A-2-109; and

690 (ii) if the ~~[canvass has not concluded]~~ election officer receives the affidavit no later
691 than 5 p.m. the day before the canvass, count the individual's ballot.

692 (6) An election officer who rejects an individual's absentee ballot for any reason, other
693 than the reason described in Subsection (5)(a), shall notify the individual of the rejection in
694 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason
695 for the rejection.

696 (7) An election officer who is required to give notice under Subsection (5) or (6) shall
697 give the notice no later than:

698 (a) if the election officer rejects the absentee ballot before election day:

699 (i) one business day after the day on which the election officer rejects the absentee
700 ballot, if the election officer gives the notice by email or text message; or

701 (ii) two business days after the day on which the election officer rejects the absentee
702 ballot, if the election officer gives the notice by postal mail or phone;

703 (b) seven days after election day if the election officer rejects the absentee ballot on
704 election day; or

705 (c) seven days after the canvass if the election officer rejects the absentee ballot after
706 election day and before the end of the canvass.

707 (8) An election officer may not count the absentee ballot of an individual whom the

708 election officer contacts under Subsection (5) or (6) unless the election officer receives a signed
709 affidavit from the individual under Subsection (5)(b) or is otherwise able to establish contact
710 with the individual to confirm the individual's identity.

711 (9) The election officer shall retain and preserve the absentee voter envelopes in the
712 manner provided by law for the retention and preservation of official ballots voted at that
713 election.

714 Section 9. Section **20A-3-702** is amended to read:

715 **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**
716 **Election Code.**

717 (1) An election officer may operate an election day voting center in one or more
718 locations designated under Section [20A-3-703](#).

719 (2) An election officer shall provide for voting at an election day voting center by:

720 (a) regular ballot if:

721 (i) (A) the election day voting center is designated under Section [20A-5-403](#) as the
722 polling place for the voting precinct in which the voter resides; and

723 [~~(ii)~~] (B) the voter is eligible to vote using a regular ballot in accordance with this title;

724 or

725 (ii) (A) the voter resides within the political subdivision holding the election;

726 (B) the voter is otherwise eligible to vote using a regular ballot in accordance with this
727 title; and

728 (C) the jurisdiction holding the election uses a method that confirms that the voter has
729 not voted previously in the election;

730 (b) voting center ballot if:

731 (i) the election day voting center is not designated under Section [20A-5-403](#) as the
732 polling place for the voting precinct in which the voter resides;

733 (ii) the voter resides within the political subdivision holding the election; and

734 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this
735 title; or

736 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
737 accordance with this title.

738 (3) An election officer shall ensure that an election day voting center:

739 (a) is open on election day during the time period specified under Section 20A-1-302;

740 (b) allows an eligible voter to vote if the voter:

741 (i) resides within the political subdivision holding an election; and

742 (ii) arrives at the election day voting center by the designated closing time in

743 accordance with Section 20A-1-302; and

744 (c) is administered according to the requirements of this title.

745 (4) A person may submit a completed absentee ballot at an election day voting center
746 for the political subdivision in which the person resides.

747 (5) A person may submit an incomplete absentee ballot at an election day voting center
748 for the political subdivision in which the person resides, request that the ballot be declared
749 spoiled, and vote in person.

750 Section 10. Section 20A-4-101 is amended to read:

751 **20A-4-101. Counting paper ballots during election day.**

752 (1) Each county legislative body or municipal legislative body that has voting precincts
753 that use paper ballots and each poll worker in those voting precincts shall comply with the
754 requirements of this section.

755 (2) (a) Each county legislative body or municipal legislative body shall provide:

756 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
757 judges have been appointed; and

758 (ii) a counting room for the use of the poll workers counting the ballots during the day.

759 (b) At any election in any voting precinct in which both receiving and counting judges
760 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

761 (i) close the first ballot box and deliver it to the counting judges; and

762 (ii) prepare and use another ballot box to receive voted ballots.

763 (c) Upon receipt of the ballot box, the counting judges shall:

764 (i) take the ballot box to the counting room;

765 (ii) count the votes on the regular ballots in the ballot box;

766 (iii) place the provisional ballot envelopes in the envelope or container provided for
767 them for return to the election officer; and

768 (iv) when they have finished counting the votes in the ballot box, return the emptied
769 box to the receiving judges.

770 (d) (i) During the course of election day, whenever there are at least 20 ballots
771 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
772 judges for counting; and

773 (ii) the counting judges shall immediately count the regular ballots and segregate the
774 provisional ballots contained in that box.

775 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
776 until the polls close.

777 [~~(3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe~~
778 ~~the count.~~]

779 [~~(4)~~] (3) The counting judges shall apply the standards and requirements of Section
780 20A-4-105 to resolve any questions that arise as they count the ballots.

781 Section 11. Section 20A-4-102 is amended to read:

782 **20A-4-102. Counting paper ballots after the polls close.**

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

786 (b) The election judges shall apply the standards and requirements of Section
787 20A-4-105 to resolve any questions that arise as they count the ballots.

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

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

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

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

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

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

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

803 (3) The judges shall:

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

806 (b) seal that envelope or container.

807 (4) The judges shall:

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

810 (b) seal that envelope or container.

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

813 (b) In regular primary elections the judges shall:

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

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

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

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

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

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

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

827 (iv) read every name marked on the ballot and mark every name upon the tally sheets
828 before another ballot is counted;

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

831 (vi) write the word "spoiled" on the back of each ballot that lacks the official

832 endorsement and deposit it in the spoiled ballot envelope; and

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

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

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

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

841 (7) Only [~~election judges and counting poll watchers~~] an election judge and a watcher
842 may be present at the place where counting is conducted until the count is completed.

843 Section 12. Section **20A-4-104** is amended to read:

844 **20A-4-104. Counting ballots electronically.**

845 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
846 election officer shall test the automatic tabulating equipment to ensure that it will accurately
847 count the votes cast for all offices and all measures.

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

851 (c) The election officer shall conduct the test by processing a preaudited group of
852 ballots.

853 (d) The election officer shall ensure that:

854 (i) a predetermined number of valid votes for each candidate and measure are recorded
855 on the ballots;

856 (ii) for each office, one or more ballot sheets have votes in excess of the number
857 allowed by law in order to test the ability of the automatic tabulating equipment to reject those
858 votes; and

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

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

863 (f) The election officer shall ensure that:

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

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

868 (2) (a) The election officer or ~~[his]~~ the election officer's designee shall supervise and
869 direct all proceedings at the counting center.

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

872 (ii) Only those persons authorized to participate in the count may touch any ballot or
873 return.

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

877 ~~[(d) (i) Counting poll watchers appointed as provided in Section 20A-3-201 may
878 observe the testing of equipment and actual counting of the ballots.]~~

879 ~~[(ii) Those counting poll watchers may make independent tests of the equipment before
880 or after the vote count as long as the testing does not interfere in any way with the official
881 tabulation of the ballots.]~~

882 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
883 automatic tabulating equipment, the election officer shall ensure that two counting judges
884 jointly:

885 (a) create a true duplicate copy of the ballot with an identifying serial number;

886 (b) substitute the duplicate ballot for the damaged or defective ballot;

887 (c) label the duplicate ballot "duplicate"; and

888 (d) record the duplicate ballot's serial number on the damaged or defective ballot.

889 (4) The election officer may:

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

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

893 (c) report the progress of the count for each candidate during the actual counting of

894 ballots.

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

897 (6) (a) The election officer or ~~[his]~~ the election officer's designee shall:

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

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

900 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
901 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
902 count the valid write-in vote as being the obvious intent of the voter.

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

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

908 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
909 tabulating equipment, the election officer may direct that they be counted manually according
910 to the procedures and requirements of this part.

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

913 Section 13. Section 20A-4-202 is amended to read:

914 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**
915 **provisional ballots cast.**

916 (1) ~~[(a)]~~ Upon receipt of the election returns from a poll worker, the election officer
917 shall:

918 ~~[(i)]~~ (a) ensure that the poll worker has provided all of the ballots and election returns;

919 ~~[(ii)]~~ (b) inspect the ballots and election returns to ensure that they are sealed;

920 ~~[(iii)-(A)]~~ (c) (i) for paper ballots, deposit and lock the ballots and election returns in a
921 safe and secure place; or

922 ~~[(B)]~~ (ii) for punch card ballots:

923 ~~[(i)]~~ (A) count the ballots; and

924 ~~[(ii)]~~ (B) deposit and lock the ballots and election returns in a safe and secure place;

925 and

926 ~~[(iv)]~~ (d) for bond elections, provide a copy of the election results to the board of
927 canvassers of the local political subdivision that called the bond election.

928 ~~[(b) Inspecting poll watchers appointed as provided in Section 20A-3-201 may be~~
929 ~~present and observe the election officer's receipt, inspection, and deposit of the ballots and~~
930 ~~election returns.]~~

931 (2) Each election officer shall:

932 (a) no later than 5 p.m. on the day after the date of the election, determine the number
933 of provisional ballots cast within the election officer's jurisdiction and make that number
934 available to the public;

935 (b) preserve ballots for 22 months after the election or until the time has expired during
936 which the ballots could be used in an election contest;

937 (c) package and seal a true copy of the ballot label used in each voting precinct;

938 (d) preserve all other official election returns for at least 22 months after an election;

939 and

940 (e) after that time, destroy them without opening or examining them.

941 (3) (a) The election officer shall package and retain all tabulating cards and other
942 materials used in the programming of the automatic tabulating equipment.

943 (b) The election officer:

944 (i) may access these tabulating cards and other materials;

945 (ii) may make copies of these materials and make changes to the copies;

946 (iii) may not alter or make changes to the materials themselves; and

947 (iv) within 22 months after the election in which they were used, may dispose of those
948 materials or retain them.

949 (4) (a) If an election contest is begun within 12 months, the election officer shall:

950 (i) keep the ballots and election returns unopened and unaltered until the contest is
951 complete; or

952 (ii) surrender the ballots and election returns to the custody of the court having
953 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

954 (b) When all election contests arising from an election are complete, the election
955 officer shall either:

956 (i) retain the ballots and election returns until the time for preserving them under this
957 section has run; or

958 (ii) destroy the ballots and election returns remaining in ~~his~~ the election officer's
959 custody without opening or examining them if the time for preserving them under this section
960 has run.

961 Section 14. Section **20A-5-302** is amended to read:

962 **20A-5-302. Automated voting system.**

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

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

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

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

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

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

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

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

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

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

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

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

982 (v) permit each voter to scratch vote;

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

985 (vii) at primary elections:

986 (A) permit each voter to vote for candidates of the political party of ~~his~~ the voter's

987 choice; and

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

989 (viii) prevent the voter from voting for the same person more than once for the same
990 office;

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

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

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

999 (xii) when properly operated, record correctly and count accurately each vote cast;

1000 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper
1001 record that:

1002 (A) shall be available as an official record for any recount or election contest
1003 conducted with respect to an election where the voting equipment is used;

1004 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling
1005 place; and

1006 (II) shall permit the voter to inspect the record of the voter's selections independently
1007 only if reasonably practicable commercial methods permitting independent inspection are
1008 available at the time of certification of the voting equipment by the lieutenant governor;

1009 (C) shall include, at a minimum, human readable printing that shows a record of the
1010 voter's selections;

1011 (D) may also include machine readable printing which may be the same as the human
1012 readable printing; and

1013 (E) allows [~~voting poll watchers and counting poll watchers~~] a watcher to observe the
1014 election process to ensure [~~its integrity~~] the integrity of the election process; and

1015 (xiv) meet the requirements of Section [20A-5-802](#).

1016 (b) For the purposes of a recount or an election contest, if the permanent paper record
1017 contains a conflict or inconsistency between the human readable printing and the machine

1018 readable printing, the human readable printing shall supercede the machine readable printing
1019 when determining the intent of the voter.

1020 (c) Notwithstanding any other provisions of this section, the election officers shall
1021 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
1022 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
1023 for use in the counting devices in which they are intended to be placed.

1024 Section 15. Section **20A-5-406** is amended to read:

1025 **20A-5-406. Delivery of ballots.**

1026 (1) In elections using paper ballots or ballot sheets:

1027 (a) Each election officer shall deliver ballots to the poll workers of each voting precinct
1028 in his jurisdiction in an amount sufficient to meet voting needs during the voting period.

1029 (b) The election officer shall:

1030 (i) package and deliver the ballots to the election judges;

1031 (ii) clearly mark the outside of the package with:

1032 (A) the voting precinct and polling place for which it is intended; and

1033 (B) the number of each type of ballots enclosed;

1034 (iii) ensure that each package is delivered before commencement of voting to a poll
1035 worker in each precinct; and

1036 (iv) obtain a receipt for the ballots from the poll worker to whom they were delivered
1037 that identifies the date and time when, and the manner in which, each ballot package was sent
1038 and delivered.

1039 (c) The election officer shall prepare substitute ballots in the form required by this
1040 Subsection (1) if any poll worker reports that:

1041 (i) the ballots were not delivered on time; or

1042 (ii) after delivery, they were destroyed or stolen.

1043 (d) The election officer shall:

1044 (i) prepare the substitute ballots as nearly in the form prescribed for official ballots as
1045 practicable;

1046 (ii) cause the word "substitute" to be printed in brackets:

1047 (A) for a ballot prepared by an election officer other than a county clerk, immediately
1048 under the facsimile signature required by Subsection [20A-6-401\(1\)](#)~~(b)~~(a)(iii); or

- 1049 (B) for a ballot prepared by a county clerk, immediately under the words required by
1050 Subsection [20A-6-301\(1\)\(~~e~~\)\(b\)\(iii\)](#);
- 1051 (iii) place the ballots in two separate packages, each package containing 1/2 the ballots
1052 sent to that voting precinct; and
- 1053 (iv) place a signed statement in each package certifying that the substitute ballots found
1054 in the package were prepared and furnished by the election officer, and that the original ballots
1055 were not received, were destroyed, or were stolen.
- 1056 (2) In elections using electronic ballots:
- 1057 (a) Each election officer shall:
- 1058 (i) deliver the voting devices and electronic ballots prior to the commencement of
1059 voting;
- 1060 (ii) ensure that the voting devices, equipment, and electronic ballots are properly
1061 secured before commencement of voting; and
- 1062 (iii) when electronic ballots or voting devices containing electronic ballots are
1063 delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered
1064 that identifies:
- 1065 (A) the name of the poll worker receiving delivery; and
- 1066 (B) the date and time when the ballots or voting devices containing the electronic
1067 ballots were delivered.
- 1068 (b) The election officer shall repair or provide substitute voting devices, equipment, or
1069 electronic ballots, if available, if any poll worker reports that:
- 1070 (i) the voting devices or equipment were not delivered on time;
- 1071 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
1072 information;
- 1073 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
1074 have been tampered with;
- 1075 (iv) the voting devices or equipment do not appear to be functioning properly; or
- 1076 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
1077 or stolen.
- 1078 (c) If the election officer is unable to prepare and provide substitute voting devices,
1079 equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot

1080 sheets according to the requirements of Subsection (1).

1081 Section 16. Section **20A-6-102** is amended to read:

1082 **20A-6-102. General requirements for machine counted ballots.**

1083 (1) Each election officer shall ensure that ballots and ballot labels are printed:

1084 (a) to a size and arrangement that fits the construction of the voting device; and

1085 (b) in plain, clear type in black ink on clear white stock; or

1086 (c) in plain, clear type in black ink on stock of different colors if it is necessary to:

1087 (i) identify different ballots or parts of the ballot; or

1088 (ii) differentiate between political parties.

1089 (2) Each election officer shall ensure that~~[(a)]~~ ballot sheets are of a size, design, and
1090 stock suitable for processing by automatic data processing machines~~[(a)]~~.

1091 ~~[(b) each ballot sheet has an attached perforated stub, on which is printed the words~~
1092 ~~"Official Ballot, (initial) Poll Worker", and]~~

1093 ~~[(c) ballot stubs are numbered consecutively.]~~

1094 (3) For a race in which a voter is authorized to cast a write-in vote and in which a
1095 write-in candidate is qualified under Section **20A-9-601**, the election officer shall include a
1096 space on the ticket for a write-in candidate immediately following the last candidate listed on
1097 that ticket.

1098 (4) Notwithstanding any other provisions of this section, the election officer may
1099 authorize any ballots that are to be counted by means of electronic or electromechanical
1100 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks
1101 that will be suitable for use in the counting devices in which they are intended to be placed.

1102 Section 17. Section **20A-6-301** is amended to read:

1103 **20A-6-301. Paper ballots -- Regular general election.**

1104 (1) Each election officer shall ensure that:

1105 (a) all paper ballots furnished for use at the regular general election contain:

1106 (i) no captions or other endorsements except as provided in this section;

1107 (ii) no symbols, markings, or other descriptions of a political party or group, except for
1108 a registered political party that has chosen to nominate its candidates in accordance with
1109 Section **20A-9-403**; and

1110 (iii) no indication that a candidate for elective office has been nominated by, or has

1111 been endorsed by, or is in any way affiliated with a political party or group, unless the
 1112 candidate has been nominated by a registered political party in accordance with Subsection
 1113 20A-9-202(4) or Subsection 20A-9-403(5).

1114 ~~[(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
 1115 top of the ballot, and divided from the rest of ballot by a perforated line;]~~

1116 ~~[(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
 1117 stub; and]~~

1118 ~~[(iii) ballot stubs are numbered consecutively;]~~

1119 ~~[(c)]~~ (b) immediately below the perforated ballot stub, the following endorsements are
 1120 printed in 18 point bold type:

1121 (i) "Official Ballot for ____ County, Utah";

1122 (ii) the date of the election; and

1123 (iii) the words "Clerk of _____ County" or, as applicable, the name of a
 1124 combined office that includes the duties of a county clerk;

1125 ~~[(d)]~~ (c) the party name or title is printed in capital letters not less than one-fourth of an
 1126 inch high;

1127 ~~[(e)]~~ (d) unaffiliated candidates, candidates not affiliated with a registered political
 1128 party, and all other candidates for elective office who were not nominated by a registered
 1129 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are
 1130 listed with the other candidates for the same office in accordance with Section 20A-6-305,
 1131 without a party name or title, and with a mark referencing the following statement at the
 1132 bottom of the ticket: "This candidate is not affiliated with, or does not qualify to be listed on
 1133 the ballot as affiliated with, a political party.";

1134 ~~[(f)]~~ (e) each ticket containing the lists of candidates, including the party name and
 1135 device, are separated by heavy parallel lines;

1136 ~~[(g)]~~ (f) the offices to be filled are plainly printed immediately above the names of the
 1137 candidates for those offices;

1138 ~~[(h)]~~ (g) the names of candidates are printed in capital letters, not less than one-eighth
 1139 nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,
 1140 between lines or rules three-eighths of an inch apart; and

1141 ~~[(i)]~~ (h) on a ticket for a race in which a voter is authorized to cast a write-in vote and

1142 in which a write-in candidate is qualified under Section 20A-9-601:

1143 (i) the ballot includes a space for a write-in candidate immediately following the last
1144 candidate listed on that ticket; or

1145 (ii) for the offices of president and vice president and governor and lieutenant
1146 governor, the ballot includes two spaces for write-in candidates immediately following the last
1147 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in
1148 candidates.

1149 (2) Each election officer shall ensure that:

1150 (a) each person nominated by any registered political party under Subsection
1151 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

1152 (i) under the registered political party's name, if any; or

1153 (ii) under the title of the registered political party as designated by them in their
1154 certificates of nomination or petition, or, if none is designated, then under some suitable title;

1155 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
1156 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

1157 (c) the names of the candidates for president and vice president are used on the ballot
1158 instead of the names of the presidential electors; and

1159 (d) the ballots contain no other names.

1160 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
1161 that:

1162 (a) the designation of the office to be filled in the election and the number of
1163 candidates to be elected are printed in type not smaller than eight point;

1164 (b) the words designating the office are printed flush with the left-hand margin;

1165 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
1166 which the voter may vote)" extend to the extreme right of the column;

1167 (d) the nonpartisan candidates are grouped according to the office for which they are
1168 candidates;

1169 (e) the names in each group are placed in the order specified under Section 20A-6-305
1170 with the surnames last; and

1171 (f) each group is preceded by the designation of the office for which the candidates
1172 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of

1173 candidates for which the voter may vote)," according to the number to be elected.

1174 (4) Each election officer shall ensure that:

1175 (a) proposed amendments to the Utah Constitution are listed on the ballot in
1176 accordance with Section [20A-6-107](#);

1177 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
1178 with Section [20A-6-107](#); and

1179 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
1180 title assigned to each bond proposition under Section [11-14-206](#).

1181 Section 18. Section [20A-6-401](#) is amended to read:

1182 **20A-6-401. Ballots for municipal primary elections.**

1183 (1) Each election officer shall ensure that:

1184 ~~[(a)(i) the ballot contains a perforated ballot stub at least one inch wide, placed across
1185 the top of the ballot;~~

1186 ~~—— (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
1187 stub; and~~

1188 ~~—— (iii) ballot stubs are numbered consecutively;~~

1189 ~~—— (b) immediately below the perforated ballot stub,]~~

1190 (a) the following endorsements are printed in 18 point bold type:

1191 (i) "Official Primary Ballot for ____ (City, Town, or Metro Township), Utah";

1192 (ii) the date of the election; and

1193 (iii) a facsimile of the signature of the election officer and the election officer's title in
1194 eight point type;

1195 ~~[(e)]~~ (b) immediately below the election officer's title, two one-point parallel horizontal
1196 rules separate endorsements from the rest of the ballot;

1197 ~~[(d)]~~ (c) immediately below the horizontal rules, an "Instructions to Voters" section is
1198 printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the
1199 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
1200 office." followed by two one-point parallel rules;

1201 ~~[(e)]~~ (d) after the rules, the designation of the office for which the candidates seek
1202 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
1203 for up to ____ (the number of candidates for which the voter may vote)" are printed to extend

- 1204 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;
- 1205 ~~[(f)]~~ (e) after the hair-line rule, the names of the candidates are printed in heavy face
- 1206 type between lines or rules three-eighths inch apart, in the order specified under Section
- 1207 [20A-6-305](#) with surnames last and grouped according to the office that they seek;
- 1208 ~~[(g)]~~ (f) a square with sides not less than one-fourth inch long is printed immediately
- 1209 adjacent to the names of the candidates; and
- 1210 ~~[(h)]~~ (g) the candidate groups are separated from each other by one light and one heavy
- 1211 line or rule.
- 1212 (2) A municipal primary ballot may not contain any space for write-in votes.
- 1213 Section 19. Section [20A-6-401.1](#) is amended to read:
- 1214 **20A-6-401.1. Ballots for partisan municipal primary elections.**
- 1215 (1) If a municipality is using paper ballots, each election officer shall ensure that:
- 1216 (a) all paper ballots furnished for use at the regular primary election:
- 1217 (i) ~~[are perforated to]~~ separate the candidates of one political party from those of the
- 1218 other political parties ~~[so that the voter may separate the part of the ballot containing the names~~
- 1219 ~~of the political party of the voter's choice from the rest of the ballot]; and~~
- 1220 ~~[(ii) have sides that are perforated so that the outside sections of the ballot, when~~
- 1221 ~~detached, are similar in appearance to the inside sections of the ballot when detached; and]~~
- 1222 ~~[(iii)]~~ (ii) contain no captions or other endorsements except as provided in this section;
- 1223 (b) the names of all candidates from each party are listed on the same ballot in one or
- 1224 more columns under their party name and emblem;
- 1225 (c) the political parties are printed on the ballot in the order specified under Section
- 1226 [20A-6-305](#);
- 1227 ~~[(d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the~~
- 1228 ~~top of the ballot;]~~
- 1229 ~~[(ii) the ballot number and the words "Poll Worker's Initials ____" are printed on the~~
- 1230 ~~stub; and]~~
- 1231 ~~[(iii) ballot stubs are numbered consecutively;]~~
- 1232 ~~[(e) immediately below the perforated ballot stub;]~~
- 1233 (d) the following endorsements are printed in 18-point bold type:
- 1234 (i) "Official Primary Ballot for ____ (name of municipality), Utah";

1235 (ii) the date of the election; and

1236 (iii) a facsimile of the signature of the municipal clerk or recorder and the words "

1237 municipal clerk" or "municipal recorder";

1238 ~~[(f)]~~ (e) after the facsimile signature, the political party emblem and the name of the

1239 political party are printed;

1240 ~~[(g)]~~ (f) after the party name and emblem, the ballot contains the following printed in

1241 not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a

1242 candidate, place a cross (X) in the square immediately adjacent to the name of the person for

1243 whom you wish to vote and in no other place. Do not vote for any candidate listed under more

1244 than one party or group designation.", followed by two one-point parallel horizontal rules;

1245 ~~[(h)]~~ (g) after the rules, the designation of the office for which the candidates seek

1246 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote

1247 for up to _____ (the number of candidates for which the voter may vote)" are printed to extend

1248 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

1249 ~~[(i)]~~ (h) after the hair-line rule, the names of the candidates are printed in heavy face

1250 type between lines or rules three-eighths inch apart, in the order specified under Section

1251 [20A-6-305](#) with surnames last and grouped according to the office that they seek;

1252 ~~[(j)]~~ (i) a square with sides not less than one-fourth inch long is printed immediately

1253 adjacent to the names of the candidates;

1254 ~~[(k)]~~ (j) the candidate groups are separated from each other by one light and one heavy

1255 line or rule; and

1256 ~~[(l)]~~ (k) the nonpartisan candidates are listed as follows:

1257 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"

1258 is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of

1259 the party listing above; and

1260 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the

1261 candidate's name, the voting square, and any other necessary information is printed in the same

1262 style and manner as for party candidates.

1263 (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer

1264 may require that:

1265 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary

1266 election consist of several groups of pages or display screens, so that a separate group can be
1267 used to list the names of candidates seeking nomination of each qualified political party, with
1268 additional groups used to list candidates for other nonpartisan offices;

1269 (ii) the separate groups of pages or display screens are identified by color or other
1270 suitable means; and

1271 (iii) the ballot or ballot label contain instructions that direct the voter how to vote the
1272 ballot.

1273 (b) If a municipality is using ballot sheets or electronic ballots, each election officer
1274 shall:

1275 (i) for municipalities using punch card ballots, ensure that the ballot label provides a
1276 means for the voter to designate the political party in whose primary the voter is voting; and

1277 (ii) determine the order for printing the names of the political parties on the ballot label
1278 in accordance with Section [20A-6-305](#).

1279 Section 20. Section **20A-6-402** is amended to read:

1280 **20A-6-402. Ballots for municipal general elections.**

1281 (1) When using a paper ballot at municipal general elections, each election officer shall
1282 ensure that:

1283 (a) the names of the two candidates who received the highest number of votes for
1284 mayor in the municipal primary are placed upon the ballot;

1285 (b) if no municipal primary election was held, the names of the candidates who filed
1286 declarations of candidacy for municipal offices are placed upon the ballot;

1287 (c) for other offices:

1288 (i) twice the number of candidates as there are positions to be filled are certified as
1289 eligible for election in the municipal general election from those candidates who received the
1290 greater number of votes in the primary election; and

1291 (ii) the names of those candidates are placed upon the municipal general election
1292 ballot;

1293 (d) the names of the candidates are placed on the ballot in the order specified under
1294 Section [20A-6-305](#);

1295 (e) in an election in which a voter is authorized to cast a write-in vote and where a
1296 write-in candidate is qualified under Section [20A-9-601](#), a write-in area is placed upon the

1297 ballot that contains, for each office in which there is a qualified write-in candidate:

1298 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

1299 (ii) a square or other conforming area that is adjacent to or opposite the blank

1300 horizontal line to enable the voter to indicate the voter's vote;

1301 (f) ballot propositions that have qualified for the ballot, including propositions

1302 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are

1303 listed on the ballot in accordance with Section 20A-6-107; and

1304 (g) bond propositions that have qualified for the ballot are listed on the ballot under the

1305 title assigned to each bond proposition under Section 11-14-206.

1306 (2) When using a punch card ballot at municipal general elections, each election officer
1307 shall ensure that:

1308 [~~(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across~~
1309 ~~the top of the ballot;~~]

1310 [~~(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the~~
1311 ~~stub; and]~~

1312 [~~(iii) ballot stubs are numbered consecutively;~~]

1313 [~~(b) immediately below the perforated ballot stub;~~]

1314 (a) the following endorsements are printed in 18 point bold type:

1315 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1316 (ii) the date of the election; and

1317 (iii) a facsimile of the signature of the election officer and the election officer's title in
1318 eight-point type;

1319 (e) (b) immediately below the election officer's title, two one-point parallel horizontal
1320 rules separate endorsements from the rest of the ballot;

1321 (d) (c) immediately below the horizontal rules, an "Instructions to Voters" section is
1322 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the
1323 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
1324 office." followed by two one-point parallel rules;

1325 (e) (d) after the rules, the designation of the office for which the candidates seek
1326 election is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for
1327 up to ____ (the number of candidates for which the voter may vote)" are printed to extend to

1328 the extreme right of the column in 10-point bold type, followed by a hair-line rule;

1329 ~~[(f)]~~ (e) after the hair-line rule, the names of the candidates are printed in heavy face

1330 type between lines or rules three-eighths inch apart, in the order specified under Section

1331 [20A-6-305](#) with surnames last and grouped according to the office that they seek;

1332 ~~[(g)]~~ (f) a square with sides not less than one-fourth inch long is printed immediately

1333 adjacent to the names of the candidates;

1334 ~~[(h)]~~ (g) following the name of the last candidate for each office in which a write-in

1335 candidate is qualified under Section [20A-9-601](#), the ballot contains:

1336 (i) a write-in space for each elective office in which a write-in candidate is qualified

1337 where the voter may enter the name of a valid write-in candidate; and

1338 (ii) a square printed immediately adjacent to the write-in space or line where the voter

1339 may vote for a valid write-in candidate; and

1340 ~~[(i)]~~ (h) the candidate groups are separated from each other by one light and one heavy

1341 line or rule.

1342 (3) When using a ballot sheet other than a punch card ballot at municipal general

1343 elections, each election officer shall ensure that:

1344 ~~[(a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;]~~

1345 ~~[(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the~~

1346 ~~stub; and]~~

1347 ~~[(iii) ballot stubs are numbered consecutively;]~~

1348 ~~[(b) immediately below the perforated ballot stub;]~~

1349 (a) the following endorsements are printed:

1350 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1351 (ii) the date of the election; and

1352 (iii) a facsimile of the signature of the election officer and the election officer's title;

1353 ~~[(e)]~~ (b) immediately below the election officer's title, a distinct border or line separates

1354 endorsements from the rest of the ballot;

1355 ~~[(d)]~~ (c) immediately below the border or line, an "Instructions to Voters" section is

1356 printed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the

1357 candidate(s) for each respective office." followed by another border or line;

1358 ~~[(e)]~~ (d) after the border or line, the designation of the office for which the candidates

1359 seek election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
1360 candidates for which the voter may vote)" are printed, followed by a line or border;

1361 ~~[(f)]~~ (e) after the line or border, the names of the candidates are printed in the order
1362 specified under Section 20A-6-305 with surnames last and grouped according to the office that
1363 they seek;

1364 ~~[(g)]~~ (f) an oval is printed adjacent to the names of the candidates;

1365 ~~[(h)]~~ (g) following the name of the last candidate for each office in which a write-in
1366 candidate is qualified under Section 20A-9-601, the ballot contains:

1367 (i) a write-in space or blank line for each elective office in which a write-in candidate
1368 is qualified where the voter may enter the name of a valid write-in candidate; and

1369 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a
1370 valid write-in candidate; and

1371 ~~[(i)]~~ (h) the candidate groups are separated from each other by a line or border.

1372 (4) When using an electronic ballot at municipal general elections, each election officer
1373 shall ensure that:

1374 (a) the following endorsements are displayed on the first screen of the ballot:

1375 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1376 (ii) the date of the election; and

1377 (iii) a facsimile of the signature of the election officer and the election officer's title;

1378 (b) immediately below the election officer's title, a distinct border or line separates the
1379 endorsements from the rest of the ballot;

1380 (c) immediately below the border or line, an "Instructions to Voters" section is
1381 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
1382 the candidate(s) for each respective office." followed by another border or line;

1383 (d) after the border or line, the designation of the office for which the candidates seek
1384 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
1385 candidates for which the voter may vote)" are displayed, followed by a line or border;

1386 (e) after the line or border, the names of the candidates are displayed in the order
1387 specified under Section 20A-6-305 with surnames last and grouped according to the office that
1388 they seek;

1389 (f) a voting square or position is located adjacent to the name of each candidate;

1390 (g) following the name of the last candidate for each office in which a write-in
1391 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
1392 voter may enter the name of and vote for a valid write-in candidate for the office; and

1393 (h) the candidate groups are separated from each other by a line or border.

1394 (5) When a municipality has chosen to nominate candidates by convention or
1395 committee, the election officer shall ensure that the party name is included with the candidate's
1396 name on the ballot.

1397 Section 21. Section 20A-9-404 is amended to read:

1398 **20A-9-404. Municipal primary elections.**

1399 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
1400 all municipalities shall be nominated at a municipal primary election.

1401 (b) Municipal primary elections shall be held:

1402 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1403 Monday in the August before the regular municipal election; and

1404 (ii) whenever possible, at the same polling places as the regular municipal election.

1405 (2) If the number of candidates for a particular municipal office does not exceed twice
1406 the number of individuals needed to fill that office, a primary election for that office may not
1407 be held and the candidates are considered nominated.

1408 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1409 of voters or delegates.

1410 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1411 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1412 by providing that the nomination of candidates for municipal office to be voted upon at a
1413 municipal election be nominated by a political party convention or committee.

1414 (ii) Any primary election exemption ordinance adopted under the authority of this
1415 Subsection (3) remains in effect until repealed by ordinance.

1416 (c) (i) A convention or committee may not nominate:

1417 (A) an individual who has not submitted a declaration of candidacy, or has not been
1418 nominated by a nomination petition, under Section 20A-9-203; or

1419 (B) more than one group of candidates, or have placed on the ballot more than one
1420 group of candidates, for the municipal offices to be voted upon at the municipal election.

1421 (ii) A convention or committee may nominate an individual who has been nominated
1422 by a different convention or committee.

1423 (iii) A political party may not have more than one group of candidates placed upon the
1424 ballot and may not group the same candidates on different tickets by the same party under a
1425 different name or emblem.

1426 (d) (i) The convention or committee shall prepare a certificate of nomination for each
1427 individual nominated.

1428 (ii) The certificate of nomination shall:

1429 (A) contain the name of the office for which each individual is nominated, the name,
1430 post office address, and, if in a city, the street number of residence and place of business, if
1431 any, of each individual nominated;

1432 (B) designate in not more than five words the political party that the convention or
1433 committee represents;

1434 (C) contain a copy of the resolution passed at the convention that authorized the
1435 committee to make the nomination;

1436 (D) contain a statement certifying that the name of the candidate nominated by the
1437 political party will not appear on the ballot as a candidate for any other political party;

1438 (E) be signed by the presiding officer and secretary of the convention or committee;
1439 and

1440 (F) contain a statement identifying the residence and post office address of the
1441 presiding officer and secretary and certifying that the presiding officer and secretary were
1442 officers of the convention or committee and that the certificates are true to the best of their
1443 knowledge and belief.

1444 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
1445 before the municipal general election.

1446 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1447 may also make nominations or fill vacancies in nominations made at a convention.

1448 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1449 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1450 be included with the candidate's name.

1451 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1

1452 that falls before the regular municipal election that:

1453 (i) exempts the city from the other methods of nominating candidates to municipal
1454 office provided in this section; and

1455 (ii) provides for a partisan primary election method of nominating candidates as
1456 provided in this Subsection (4).

1457 (b) (i) Any party that was a registered political party at the last regular general election
1458 or regular municipal election is a municipal political party under this section.

1459 (ii) Any political party may qualify as a municipal political party by presenting a
1460 petition to the city recorder that:

1461 (A) is signed, with a holographic signature, by registered voters within the municipality
1462 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1463 municipal election at which a mayor was elected;

1464 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1465 (C) is substantially similar to the form of the signature sheets described in Section
1466 [20A-7-303](#); and

1467 (D) contains the name of the municipal political party using not more than five words.

1468 (c) (i) If the number of candidates for a particular office does not exceed twice the
1469 number of offices to be filled at the regular municipal election, no partisan primary election for
1470 that office shall be held and the candidates are considered to be nominated.

1471 (ii) If the number of candidates for a particular office exceeds twice the number of
1472 offices to be filled at the regular municipal election, those candidates for municipal office shall
1473 be nominated at a partisan primary election.

1474 (d) The clerk shall ensure that:

1475 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1476 Sections [20A-6-401](#) and [20A-6-401.1](#);

1477 (ii) the candidates for each municipal political party are listed in one or more columns
1478 under their party name and emblem;

1479 (iii) the names of candidates of all parties are printed on the same ballot, but under
1480 their party designation; and

1481 (iv) every ballot [~~is folded and perforated in a manner that~~] separates the candidates of
1482 one party from those of the other parties [~~and enables the voter to separate the part of the ballot~~]

1483 ~~containing the names of the party of the voter's choice from the remainder of the ballot; and].~~

1484 ~~[(v) the side edges of all ballots are perforated so that the outside sections of the~~

1485 ~~ballots, when detached, are similar in appearance to inside sections when detached.]~~

1486 (e) After marking a municipal primary ballot, the voter shall~~[:]~~ deposit the ballot in the

1487 blank ballot box.

1488 ~~[(i) detach the part of the ballot containing the names of the candidates of the party the~~

1489 ~~voter has voted from the rest of the ballot;]~~

1490 ~~[(ii) fold the detached part so that its face is concealed and deposit it in the ballot box;~~

1491 ~~and]~~

1492 ~~[(iii) fold the remainder of the ballot containing the names of the candidates of the~~

1493 ~~parties for whom the elector did not vote and deposit it in the blank ballot box.]~~

1494 (f) Immediately after the canvass, the election judges shall, without examination,

1495 destroy the tickets deposited in the blank ballot box.

1496 Section 22. Section **20A-9-406** is amended to read:

1497 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1498 The following provisions apply to a qualified political party:

1499 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each
1500 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
1501 political parties whose members may vote for the qualified political party's candidates and
1502 whether unaffiliated voters may vote for the qualified political party's candidates;

1503 (2) the provisions of Subsections **20A-9-403**(1) through (4)(a), Subsection
1504 **20A-9-403**(5)(c), and Section **20A-9-405** do not apply to a nomination for the qualified
1505 political party;

1506 (3) an individual may only seek the nomination of the qualified political party by using
1507 a method described in Section **20A-9-407**, Section **20A-9-408**, or both;

1508 (4) the qualified political party shall comply with the provisions of Sections
1509 **20A-9-407**, **20A-9-408**, and **20A-9-409**;

1510 (5) notwithstanding Subsection **20A-6-301**(1)(a), (1)~~(g)~~(f), or (2)(a), each election
1511 officer shall ensure that a ballot described in Section **20A-6-301** includes each individual
1512 nominated by a qualified political party:

1513 (a) under the qualified political party's name, if any; or

1514 (b) under the title of the qualified registered political party as designated by the
1515 qualified political party in the certification described in Subsection (1), or, if none is
1516 designated, then under some suitable title;

1517 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
1518 paper ballots in regular general elections, that each candidate who is nominated by the qualified
1519 political party is listed by party;

1520 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
1521 the party designation of each candidate who is nominated by the qualified political party is
1522 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

1523 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
1524 the party designation of each candidate who is nominated by the qualified political party is
1525 displayed adjacent to the candidate's name on an electronic ballot;

1526 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
1527 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1528 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1529 multicounty office, or county office;

1530 (10) an individual who is nominated by, or seeking the nomination of, the qualified
1531 political party is not required to comply with Subsection 20A-9-201(1)(c);

1532 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1533 to have each of the qualified political party's candidates for elective office appear on the
1534 primary ballot of the qualified political party with an indication that each candidate is a
1535 candidate for the qualified political party;

1536 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
1537 on the list provided by the lieutenant governor to the county clerks:

1538 (a) the names of all candidates of the qualified political party for federal, constitutional,
1539 multicounty, and county offices; and

1540 (b) the names of unopposed candidates for elective office who have been nominated by
1541 the qualified political party and instruct the county clerks to exclude such candidates from the
1542 primary-election ballot;

1543 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
1544 elective office in the regular primary election of the qualified political party is nominated by

1545 the party for that office without appearing on the primary ballot; and

1546 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section

1547 20A-9-405, the qualified political party is entitled to have the names of its candidates for

1548 elective office featured with party affiliation on the ballot at a regular general election.

1549 Section 23. **Repealer.**

1550 This bill repeals:

1551 Section 20A-15-105, **Poll watchers.**