

1 **ELECTION INTEGRITY AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mark A. Strong**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to the administration and security of the election
10 process.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ modifies the day by which a ballot must be postmarked to be valid;
- 15 ▶ requires the posting of certain statistics relating to ballots and the schedule for
16 processing ballots;
- 17 ▶ modifies the qualifications for, and the access provided to, a poll watcher;
- 18 ▶ requires the logging of certain information relating to replicated ballots;
- 19 ▶ requires the separate storage of adjudicated ballots;
- 20 ▶ requires imaging of election equipment; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 **20A-3a-204**, as enacted by Laws of Utah 2020, Chapter 31
- 29 **20A-3a-401**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 30 **20A-3a-402**, as last amended by Laws of Utah 2021, Chapter 62
- 31 **20A-3a-801**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 32 **20A-4-104**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 33 **20A-4-105**, as last amended by Laws of Utah 2020, Chapters 31 and 49

34 ENACTS:

- 35 **20A-3a-404**, Utah Code Annotated 1953
- 36 **20A-3a-807**, Utah Code Annotated 1953
- 37 **20A-5-901**, Utah Code Annotated 1953



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

40 Section 1. Section **20A-3a-204** is amended to read:

41 **20A-3a-204. Marking and depositing ballots.**

42 (1) To vote by mail:

43 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual
44 ballot by marking the appropriate space with a mark opposite the name of each candidate of the
45 voter's choice for each office to be filled;

46 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the
47 appropriate space with a mark opposite the answer the voter intends to make;

48 (c) except as provided in Subsection (6), the voter shall record a write-in vote in
49 accordance with Subsection **20A-3a-206**(1);

50 (d) except as provided in Subsection (6), a mark is not required opposite the name of a
51 write-in candidate; and

52 (e) the voter shall:

53 (i) complete and sign the affidavit on the return envelope;

54 (ii) place the voted ballot in the return envelope;

55 (iii) securely seal the return envelope; and

56 (iv) (A) attach postage, if necessary, and deposit the return envelope in the mail; or

57 (B) place the return envelope in a ballot drop box, designated by the election officer,
58 for the precinct where the voter resides.

59 (2) (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is
60 mailed must be:

61 (i) clearly postmarked no later than the Friday before election day, or otherwise clearly
62 marked by the post office as received by the post office no later than the Friday before election
63 day; and

64 (ii) received in the office of the election officer before noon on the day of the official
65 canvass following the election.

66 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls
67 close on election day, be deposited in:

68 (i) a ballot box at a polling place; or

69 (ii) a ballot drop box designated by an election officer for the jurisdiction to which the
70 ballot relates.

71 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot
72 drop box in the wrong jurisdiction to the correct jurisdiction.

73 (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a
74 ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to
75 deposit the ballot in the ballot drop box.

76 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after
77 complying with Subsections (1)(a) through (d):

78 (a) sign the official register or pollbook; and

79 (b) (i) place the ballot in the ballot box; or

80 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
81 envelope, complete the information printed on the provisional ballot envelope, and deposit the
82 provisional ballot envelope in the provisional ballot box.

83 (4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

84 (b) An individual other than an individual with a disability may vote a mechanical
85 ballot at a polling place if permitted by the election officer.

86 (5) To vote a mechanical ballot, the voter shall:

87 (a) make the selections according to the instructions provided for the voting device;

88 and

89 (b) subject to Subsection (6), record a write-in vote by:

90 (i) selecting the appropriate position for entering a write-in candidate; and
91 (ii) using the voting device to enter the name of the valid write-in candidate for whom
92 the voter wishes to vote.

93 (6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,
94 Municipal Alternate Voting Methods Pilot Project, a voter:

95 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
96 first preference for the office; and

97 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
98 order of the voter's preference.

99 (7) A voter who votes at a polling place:

100 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting
101 area after voting; and

102 (b) may not:

103 (i) occupy a voting booth occupied by another, except as provided in Section
104 [20A-3a-208](#);

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

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

108 (8) If the official register shows any voter as having voted, that voter may not reenter
109 the voting area during that election unless that voter is an election official or watcher.

110 (9) A poll worker may not, at a polling place, allow more than four voters more than
111 the number of voting booths into the voting area at one time unless those excess voters are:

112 (a) election officials;

113 (b) watchers; or

114 (c) assisting voters with a disability.

115 Section 2. Section **20A-3a-401** is amended to read:

116 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
117 **Disposition -- Notice.**

118 (1) This section governs ballots returned by mail or via a ballot drop box.

119 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in
120 the custody of the poll workers in accordance with Subsection (2)(b).

121 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
122 the return envelope to the signature of the voter in the voter registration records.

123 (3) After complying with Subsection (2), the poll workers shall determine whether:

124 (a) the signatures correspond;

125 (b) the affidavit is sufficient;

126 (c) the voter is registered to vote in the correct precinct;

127 (d) the voter's right to vote the ballot has been challenged;

128 (e) the voter has already voted in the election;

129 (f) the voter is required to provide valid voter identification; and

130 (g) if the voter is required to provide valid voter identification, whether the voter has
131 provided valid voter identification.

132 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
133 workers determine that:

134 (i) the signatures correspond;

135 (ii) the affidavit is sufficient;

136 (iii) the voter is registered to vote in the correct precinct;

137 (iv) the voter's right to vote the ballot has not been challenged;

138 (v) the voter has not already voted in the election; and

139 (vi) for a voter required to provide valid voter identification, that the voter has
140 provided valid voter identification.

141 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
142 workers shall:

143 (i) remove the manual ballot from the return envelope in a manner that does not
144 destroy the affidavit on the return envelope;

145 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
146 with the return envelope; and

147 (iii) place the ballot with the other ballots to be counted.

148 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
149 the poll workers shall:

150 (i) disallow the vote;

151 (ii) without opening the return envelope, mark across the face of the return envelope:

152 (A) "Rejected as defective"; or
153 (B) "Rejected as not a registered voter"; and
154 (iii) place the return envelope, unopened, with the other rejected return envelopes.
155 (5) (a) If the poll workers reject an individual's ballot because the poll workers
156 determine that the signature on the return envelope does not match the individual's signature in
157 the voter registration records, the election officer shall contact the individual in accordance
158 with Subsection (7) by mail, email, text message, or phone, and inform the individual:
159 (i) that the individual's signature is in question;
160 (ii) how the individual may resolve the issue;
161 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
162 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
163 requirements described in Subsection (5)(b).
164 (b) An affidavit described in Subsection (5)(a)(iii) shall include:
165 (i) an attestation that the individual voted the ballot;
166 (ii) a space for the individual to enter the individual's name, date of birth, and driver
167 license number or the last four digits of the individual's social security number;
168 (iii) a space for the individual to sign the affidavit; and
169 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
170 governor's and county clerk's use of the individual's signature on the affidavit for voter
171 identification purposes.
172 (c) In order for an individual described in Subsection (5)(a) to have the individual's
173 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the
174 election officer.
175 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
176 immediately:
177 (i) scan the signature on the affidavit electronically and keep the signature on file in the
178 statewide voter registration database developed under Section [20A-2-109](#); and
179 (ii) if the election officer receives the affidavit no later than 5 p.m. the day before the
180 canvass, count the individual's ballot.
181 (6) If the poll workers reject an individual's ballot for any reason, other than the reason
182 described in Subsection (5)(a), the election officer shall notify the individual of the rejection in

183 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason
184 for the rejection.

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

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

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

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

192 (b) seven days after election day if the election officer rejects the ballot on election day;
193 or

194 (c) seven days after the canvass if the election officer rejects the ballot after election
195 day and before the end of the canvass.

196 (8) An election officer may not count the ballot of an individual whom the election
197 officer contacts under Subsection (5) or (6) unless the election officer receives a signed
198 affidavit from the individual under Subsection (5)(b) or is otherwise able to establish contact
199 with the individual to confirm the individual's identity.

200 (9) The election officer shall retain and preserve the return envelopes in the manner
201 provided by law for the retention and preservation of ballots voted at that election.

202 (10) An election officer shall, no later than three days after the day of the election,
203 process, tabulate, and post on the election officer's website, the tabulation for all ballots that:

204 (a) are received by the election officer before the close of polls on election day; and

205 (b) are not rejected.

206 Section 3. Section **20A-3a-402** is amended to read:

207 **20A-3a-402. Custody of ballots voted at a polling place -- Disposition -- Counting**
208 **-- Release of number of ballots cast.**

209 (1) This section governs ballots voted at a polling place.

210 (2) (a) The election officer shall deliver all return envelopes containing valid ballots
211 and valid provisional ballots that are in the election officer's custody to the counting center
212 before noon on the day of the official canvass following the election.

213 (b) Valid ballots, including valid provisional ballots, may be processed and counted:

214 (i) by the election officer, or poll workers acting under the supervision of the election
215 officer, before the date of the canvass; and

216 (ii) at the canvass, by the election officer or poll workers, acting under the supervision
217 of the official canvassers of the election.

218 (c) When processing ballots, the election officer and poll workers shall comply with
219 the procedures and requirements of Section 20A-3a-401 in opening envelopes, verifying
220 signatures, confirming eligibility of the ballots, and depositing ballots in preparation for
221 counting.

222 (3) (a) After all valid ballots, including valid provisional ballots have been deposited,
223 the ballots shall be counted in the usual manner.

224 (b) After the polls close on the date of the election, the election officer shall publicly
225 release the results of those ballots, including provisional ballots, that have been counted on or
226 before the date of the election.

227 (c) Except as provided in Subsection (3)(d), on each day, beginning on the day after the
228 date of the election and ending on the day before the date of the canvass, the election officer
229 shall publicly release:

230 (i) the results of all ballots, including provisional ballots, counted on that day; and

231 (ii) an estimate of the total number of voted ballots in the custody of the election
232 officer that have not yet been counted.

233 (d) (i) If complying with Subsection (3)(c) on a particular day will likely result in
234 disclosing a vote cast by an individual voter, the election officer shall request permission from
235 the lieutenant governor to delay compliance for the minimum number of days necessary to
236 protect against disclosure of the voter's vote.

237 (ii) The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the
238 lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's
239 vote.

240 (e) On the date of the canvass, the election officer shall provide a tally of all ballots,
241 including provisional ballots, counted, and the resulting tally shall be added to the official
242 canvass of the election.

243 (4) (a) On the day after the date of the election, the election officer shall determine the
244 number of ballots received by the election officer at that time and shall make that number

245 available to the public.

246 (b) The election officer may elect to publicly release updated totals for the number of
247 ballots received by the election officer up through the date of the canvass.

248 (5) An election officer shall, no later than three days after the day of the election,
249 process, tabulate, and post on the election officer's website, the tabulation for all ballots that:

250 (a) are received by the election officer before the close of polls on election day; and

251 (b) are not rejected.

252 Section 4. Section **20A-3a-404** is enacted to read:

253 **20A-3a-404. Ballot statistics.**

254 Beginning on the day on which a county clerk begins mailing ballots, and ending on the
255 first day of the canvass, the county clerk shall post on the county clerk's website the following
256 daily totals:

257 (1) the number of ballots in the county clerk's possession;

258 (2) the number of ballots tabulated;

259 (3) the number of ballots rejected; and

260 (4) the number of provisional ballots in the clerk's possession cast by challenged voters
261 for which the challenges have not been resolved.

262 Section 5. Section **20A-3a-801** is amended to read:

263 **20A-3a-801. Watchers.**

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

265 (a) the election officer; or

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

268 (2) (a) Any individual who is a resident of Utah may become a watcher in an election
269 at any time by registering as a watcher with the administering election officer.

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

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

274 (d) An election official may not prohibit a watcher from performing a function
275 described in Subsection (4) because the watcher did not provide the notice described in

276 Subsection (2)(c).

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

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

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

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

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

289 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
290 another individual to serve in the watcher's stead during the watcher's temporary absence by
291 filing with a poll worker an affidavit that designates the individual as a temporary replacement.

292 (4) A watcher may:

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

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

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

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

299 (e) observe the opening and inspection of a manual ballot;

300 (f) observe ballot duplication;

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

302 (h) observe ballot tabulation;

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

304 (j) observe a post-election audit;

305 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,
306 Canvassing Returns;

- 307 (l) observe the certification of the results of an election; or
308 (m) observe a recount.
- 309 (5) An administering election officer shall:
- 310 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an
311 election process;
- 312 (b) establish locations for a watcher to observe an event described in Subsection (4)
313 from no further than six feet away; and
- 314 (c) for any visual activity that is conducted on a computer screen, project the activity
315 onto a screen that is large enough to be viewed by each watcher.
- 316 [~~5~~] (6) (a) A watcher may not:
- 317 (i) electronically record an activity described in Subsection (4) if the recording would
318 reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
- 319 (ii) interfere with an activity described in Subsection (4), except to challenge an
320 individual's eligibility to vote under Section [20A-3a-803](#); or
- 321 (iii) divulge information related to the number of votes counted, tabulated, or cast for a
322 candidate or ballot proposition until after the election officer makes the information public.
- 323 (b) A person who violates Subsection [~~5~~] (6)(a)(iii) is guilty of a third degree felony.
- 324 [~~6~~] (7) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe
325 working environment for an election official or to protect the safety or security of a ballot, an
326 administering election officer may take reasonable action to:
- 327 (i) limit the number of watchers at a single location;
- 328 (ii) remove a watcher for violating a provision of this section;
- 329 (iii) remove a watcher for interfering with an activity described in Subsection (4);
- 330 (iv) designate areas for a watcher to reasonably observe the activities described in
331 Subsection (4); or
- 332 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
- 333 (b) If an administering election officer limits the number of watchers at a single
334 location under Subsection (6)(a)(i), the administering election officer shall give preferential
335 access to the location to a watcher designated under Subsection (3).
- 336 (c) An administering election officer may provide a watcher a badge that identifies the
337 watcher and require the watcher to wear the badge while acting as a watcher.

338 Section 6. Section **20A-3a-807** is enacted to read:

339 **20A-3a-807. Notification of ballot processes.**

340 (1) As used in this section, "ballot process" includes:

341 (a) signature verification;

342 (b) opening ballots;

343 (c) scanning ballots;

344 (d) adjudicating ballots;

345 (e) replicating damaged or defective ballots; or

346 (f) tabulating votes.

347 (2) A county clerk shall:

348 (a) beginning at least three days before the day on which the county clerk begins
349 mailing ballots for an election, and ending on the first day of the canvass, post on the county
350 clerk's website a schedule of the hours, over the next three days, during which the county clerk
351 plans to conduct one or more ballot processes; and

352 (b) update any changes to the schedule at least 24 hours before the clerk modifies the
353 hours.

354 Section 7. Section **20A-4-104** is amended to read:

355 **20A-4-104. Counting ballots electronically.**

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

359 (b) The election officer shall provide public notice of the time and place of the test:

360 (i) (A) by publishing notice at least 48 hours before the test in a newspaper of general
361 circulation in the county, municipality, or jurisdiction where the equipment is used;

362 (B) at least 10 days before the day of the test, by posting one notice, and at least one
363 additional notice per 2,000 population of the county, municipality, or jurisdiction, in places
364 within the county, municipality, or jurisdiction that are most likely to give notice to the voters
365 in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or

366 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
367 in the county, municipality, or jurisdiction where the equipment is used;

368 (ii) by posting notice on the Utah Public Notice Website, created in Section

369 63A-16-601, for four weeks before the day of the test; and

370 (iii) if the county, municipality, or jurisdiction has a website, by posting notice on the
371 website for four weeks before the day of the test.

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

374 (d) The election officer shall ensure that:

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

377 (ii) for each office, one or more ballots have votes in excess of the number allowed by
378 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

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

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

383 (f) The election officer shall ensure that:

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

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

388 (2) (a) The election officer or the election officer's designee shall supervise and direct
389 all proceedings at the counting center.

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

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

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

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

400 ~~[(a)]~~ (i) make a true replication of the ballot with an identifying serial number;
401 ~~[(b)]~~ (ii) substitute the replicated ballot for the damaged or defective ballot;
402 ~~[(c)]~~ (iii) label the replicated ballot "replicated"; and
403 ~~[(d)]~~ (iv) record the replicated ballot's serial number on the damaged or defective
404 ballot.

405 (b) An election officer shall maintain an electronic log of all replicated ballots that
406 includes, for each ballot:

407 (i) the serial number described in Subsection (3)(a);
408 (ii) the identification of the individuals who replicated the ballot; and
409 (iii) the reason for the replication.

410 (4) The election officer may:

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

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

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

416 (5) Beginning on the day after the date of the election, if an election officer releases
417 early unofficial returns or reports the progress of the count for each candidate under Subsection
418 (4), the election officer shall, with each release or report, disclose an estimate of the total
419 number of voted ballots in the election officer's custody that have not yet been counted.

420 (6) The election officer shall review and evaluate the provisional ballot envelopes and
421 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

422 (7) (a) The election officer or the election officer's designee shall:

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

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

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

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

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

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

436 (10) After the count is completed, the election officer shall seal and retain the
437 programs, test materials, and ballots as provided in Section [20A-4-202](#).

438 Section 8. Section **20A-4-105** is amended to read:

439 **20A-4-105. Standards and requirements for evaluating voter's ballot choice.**

440 (1) (a) An election officer shall ensure that when a question arises regarding a vote
441 recorded on a manual ballot, two counting judges jointly adjudicate the ballot, except as
442 otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, in accordance
443 with the requirements of this section.

444 (b) If the counting judges disagree on the disposition of a vote recorded on a ballot that
445 is adjudicated under this section, the counting judges may not count the vote.

446 (c) An election officer shall store adjudicated ballots separately from other ballots to
447 enable a court to review the ballots if the election is challenged in court.

448 (2) Except as provided in Subsection (10), Subsection [20A-3a-204\(6\)](#), or Part 6,
449 Municipal Alternate Voting Methods Pilot Project, if a voter marks more names than there are
450 individuals to be elected to an office, or if the counting judges cannot determine a voter's
451 choice for an office, the counting judges may not count the voter's vote for that office.

452 (3) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot
453 Project, the counting judges shall count a defective or incomplete mark on a manual ballot if:

454 (a) the defective or incomplete mark is in the proper place; and

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

457 (4) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot
458 Project, the counting judges may not reject a ballot marked by the voter because of marks on
459 the ballot other than those marks allowed by this section unless the extraneous marks on a
460 ballot show an intent by an individual to mark the individual's ballot so that the individual's
461 ballot can be identified.

462 (5) (a) In counting the ballots, the counting judges shall give full consideration to the
463 intent of the voter.

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

467 (6) The counting judges may not reject a ballot because of an error in:

468 (a) stamping or writing an official endorsement; or

469 (b) delivering the wrong ballots to a polling place.

470 (7) The counting judges may not count a manual ballot that does not have the official
471 endorsement by an election officer.

472 (8) The counting judges may not count a ballot proposition vote or candidate vote for
473 which the voter is not legally entitled to vote, as defined in Section 20A-4-107.

474 (9) If the counting judges discover that the name of a candidate is misspelled on a
475 ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole
476 or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is
477 apparent that the voter intended to vote for the candidate.

478 (10) The counting judges shall count a vote for the president and the vice president of
479 any political party as a vote for the presidential electors selected by the political party.

480 (11) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot
481 Project, in counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast
482 more votes for an office than that voter is entitled to vote for that office, the counting judges
483 shall count the valid write-in vote as being the obvious intent of the voter.

484 Section 9. Section 20A-5-901 is enacted to read:

485 **20A-5-901. Imaging of election equipment.**

486 (1) As used in this section, "election equipment" means the following equipment used
487 in relation to processing ballots, counting ballots, or tabulating votes:

488 (a) computers;

489 (b) tabulating equipment;

490 (c) voting devices;

491 (d) voting machines;

492 (e) routers; or

493 (f) other computer equipment.

494 (2) A county clerk shall take an image of the software, the data, and the software
495 settings on election equipment:

496 (a) immediately before, and immediately after, servicing that changes the equipment's
497 software configuration;

498 (b) immediately after the equipment is tested for logic and accuracy; and

499 (c) immediately after the election results are tabulated for the canvass.

500 (3) A county clerk shall store an image described in Subsection (2) for at least two
501 years.