

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

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas C. Aagard**

Senate Sponsor: Sheldon L. Killpack

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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



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

59           ▶ makes technical changes.

60 **Monies Appropriated in this Bill:**

61           None

62 **Other Special Clauses:**

63           None

64 **Utah Code Sections Affected:**

65 **AMENDS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 ENACTS:

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

100 REPEALS:

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



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

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

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

106            As used in this title:

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

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

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

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

115            (a) means a ballot that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

152 elected.

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

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

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

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

162 (25) "Election officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

214 Section 10-3-101; and

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

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

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

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

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

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

225 (i) the ballot as an official ballot;

226 (ii) the date of the election; and

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

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

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

230 (ii) the ballot number.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

301            (a) is spoiled by the voter;

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

304            (c) lacks the official endorsement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

392 (3) The Driver License Division shall:

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

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

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

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

399 and

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

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

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

407 (b) notify the applicant of registration.

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

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

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

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

415 (i) process the voter registration forms; and

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

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

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

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

423 (1) As used in this section:

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

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

427 (i) public assistance; or

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

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

431 assistance agency or discretionary voter registration agency.

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

435 "REGISTERING TO VOTE

436 If you are not registered to vote where you live now, would you like to apply to register  
437 to vote here today? (Applying to register to vote or declining to register to vote will not affect  
438 the amount of assistance that you will be provided by this agency.) Yes\_\_\_\_ No\_\_\_\_ IF YOU  
439 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED  
440 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the  
441 voter registration application form, we will help you. The decision about whether or not to  
442 seek or accept help is yours. You may fill out the application form in private. If you believe  
443 that someone has interfered with your right to register or to decline to register to vote, your  
444 right to privacy in deciding whether or not to register, or in applying to register to vote, or your  
445 right to choose your own political party or other political preference, you may file a complaint  
446 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah  
447 84114. (801) 538-1040."

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

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

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

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

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

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

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

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

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

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

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

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

471 (b) notify the applicant of registration.

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

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

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

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

479 (i) process the voter registration forms; and

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

519 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

685 (i) the voter shall:

686 (A) leave the voting booth; and

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

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

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

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

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

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

697 (i) cast the voter's ballot;

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

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

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

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

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

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

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

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

710 box.

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

713 (b) A voter may not:

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

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

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

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

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

724 (a) election officials;

725 (b) watchers; or

726 (c) assisting voters with a disability.

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

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

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

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

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

735 (c) make both markings.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

803 observe the securing of ballot packages.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

858 or

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

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

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

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

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

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

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

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

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

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

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

885 (c) The county clerk shall:

886 (i) carefully preserve the written challenges;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

926 (b) seal that envelope or container.

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

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

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

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

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

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

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

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

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

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

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

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

950 (d) The election officer shall ensure that:

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

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

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

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

960 (f) The election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

987 (4) The election officer may:

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



989 early unofficial returns to the public;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1014 (a) the election officer; or

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

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

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

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

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

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

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

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

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

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

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

1036 (1) Each board of canvassers shall:

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

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

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

1041 (b) declare:

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

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

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

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

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

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

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

1051 the lieutenant governor; and

1052 (d) if applicable, certify the results of each special district election to the special district  
1053 clerk.

1054 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the  
1055 result, which shall contain:

1056 (i) the total number of votes cast in the board's jurisdiction;

1057 (ii) the names of each candidate whose name appeared on the ballot;

1058 (iii) the title of each ballot proposition that appeared on the ballot;

1059 (iv) each office that appeared on the ballot;

1060 (v) from each voting precinct:

1061 (A) the number of votes for each candidate; and

1062 (B) the number of votes for and against each ballot proposition;

1063 (vi) the total number of votes given in the board's jurisdiction to each candidate, and  
1064 for and against each ballot proposition; and

1065 (vii) a statement certifying that the information contained in the report is accurate.

1066 (b) The election officer and the board of canvassers shall:

1067 (i) review the report to ensure that it is correct; and

1068 (ii) sign the report.

1069 (c) The election officer shall:

1070 (i) record or file the certified report in a book kept for that purpose;

1071 (ii) prepare and transmit a certificate of nomination or election under the officer's seal  
1072 to each nominated or elected candidate;

1073 (iii) publish a copy of the certified report in a newspaper with general circulation in the  
1074 board's jurisdiction and post it in a conspicuous place within the jurisdiction; and

1075 (iv) file a copy of the certified report with the lieutenant governor.

1076 (3) When there has been a regular general or a statewide special election for statewide  
1077 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
1078 or more county ballot proposition, each board of canvassers shall:

1079 (a) prepare a separate report detailing the number of votes for each candidate and the  
1080 number of votes for and against each ballot proposition; and

1081 (b) transmit it by registered mail to the lieutenant governor.

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

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

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

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

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

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

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

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

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

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

1103 (3) Each satellite registrar shall:

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

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

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

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

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

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

1111 (4) The county clerk shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1177           (1) Each election officer shall:

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

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

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

1182           (i) an American flag;

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

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

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

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

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

1191           (b) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

1246 (B) the lieutenant governor; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1281 (B) the lieutenant governor; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1349 (B) the lieutenant governor; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1423 sent to that voting precinct; and

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

1427 (2) In elections using electronic ballots:

1428 (a) Each election officer shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

1488 the polls; and

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

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

1491 if any; and

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

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

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

1495 not available, tape it securely.

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

1497 or fails or refuses to act[;];

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

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

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

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

1502 worker; or

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

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

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

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

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

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

1509 convenient place for holding the election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1590 (iv) protect against fraud.

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

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

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

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

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

1600 (1) Each election officer shall ensure that:

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

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

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

1607 (iii) ballot stubs are numbered consecutively;

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

1609 printed in 18-point bold type:

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

1611 (ii) the date of the election; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1657 (2) Each election officer shall ensure that:

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

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

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

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

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

1667 (d) the ballots contain no other names.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1851 (1) Each election officer shall ensure that:

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

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

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

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

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

1890 (h) county referenda that have qualified for the ballot are displayed under the heading  
1891 "Citizen's County Referendum Number \_\_\_\_" with the number of the county referendum as  
1892 assigned under Section 20A-7-608 placed in the blank; and

1893 (i) bond propositions that have qualified for the ballot are displayed under the title  
1894 assigned to each bond proposition under Section 11-14-206.

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

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

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

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

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

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

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

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

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

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

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

1913 (iii) ballot stubs are numbered consecutively;

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

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

1917 (ii) the date of the election; and

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

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

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

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

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

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

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

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

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

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

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

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

1969 (c) for other offices:

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

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

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

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

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

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

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



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

1982           ~~[(e)]~~ (f) municipal initiatives that have qualified for the ballot are listed on the ballot

1983 under the heading "Citizen's City (or Town) Initiative Number \_\_\_" with the number of the

1984 municipal initiative as assigned by Section 20A-7-508 placed in the blank;

1985           ~~[(f)]~~ (g) municipal referenda that have qualified for the ballot are listed on the ballot

1986 under the heading "Citizen's City (or Town) Referendum Number \_\_\_" with the number of the

1987 municipal referendum as assigned by Section 20A-7-608 placed in the blank; and

1988           ~~[(g)]~~ (h) bond propositions that have qualified for the ballot are listed on the ballot

1989 under the title assigned to each bond proposition under Section 11-14-206.

1990           (2) ~~[Each]~~ When using a punch card ballot at municipal general elections, each election

1991 officer shall ensure that:

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

1993 the top of the ballot;

1994           (ii) the ballot number and the words "~~[Judge's]~~ Poll Worker's Initial \_\_\_\_" are printed

1995 on the stub; and

1996           (iii) ballot stubs are numbered consecutively;

1997           (b) immediately below the perforated ballot stub, the following endorsements are

1998 printed in 18-point bold type:

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

2000           (ii) the date of the election; and

2001           (iii) a facsimile of the signature of the election officer and the election officer's title in

2002 eight-point type; ~~[and]~~

2003           (c) immediately below the election officer's title, two one-point parallel horizontal

2004 rules separate endorsements from the rest of the ballot;

2005           (d) immediately below the horizontal rules, an "Instructions to Voters" section is

2006 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the

2007 square following the name(s) of the person(s) you favor as the candidate(s) for each respective

2008 office." followed by two one-point parallel rules;

2009           (e) after the rules, the designation of the office for which the candidates seek election is

2010 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or

2011 more" are printed to extend to the extreme right of the column in ten-point bold type, followed

2012 by a hair-line rule;

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

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

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

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

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

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

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

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

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

2030 (iii) ballot stubs are numbered consecutively;

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

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

2034 (ii) the date of the election; and

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

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

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

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

2043 followed by a line or border;

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

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

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

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

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

2052 (i) the candidate groups are separated from each other by a line or border.

2053 (4) When using an electronic ballot at municipal general elections, each election officer  
2054 shall ensure that:

2055 (a) the following endorsements are displayed on the first screen of the ballot:

2056 (i) "Official Ballot for \_\_\_\_\_ (City or Town), Utah";

2057 (ii) the date of the election; and

2058 (iii) a facsimile of the signature of the election officer and the election officer's title;

2059 (b) immediately below the election officer's title, a distinct border or line separates the  
2060 endorsements from the rest of the ballot;

2061 (c) immediately below the border or line, an "Instructions to Voters" section is  
2062 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as  
2063 the candidate(s) for each respective office." followed by another border or line;

2064 (d) after the border or line, the designation of the office for which the candidates seek  
2065 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,  
2066 followed by a line or border;

2067 (e) after the line or border, the names of the candidates are displayed alphabetically  
2068 according to surnames with surnames last and grouped according to the office that they seek;

2069 (f) a square is printed adjacent to the names of the candidates;

2070 (g) following the name of the last candidate for each office, the ballot contains a  
2071 write-in space where the voter may enter the name of and vote for a valid write-in candidate for  
2072 the office; and

2073 (h) the candidate groups are separated from each other by a line or border.

2074            [~~(3)~~] (5) When a municipality has chosen to nominate candidates by convention or  
2075 committee, the election officer shall ensure that the party name is included with the candidate's  
2076 name on the ballot.

2077            Section 32. Section **20A-9-806** is amended to read:

2078            **20A-9-806. Ballots.**

2079            (1) The lieutenant governor, together with county clerks, suppliers of election  
2080 materials, and representatives of registered political parties, shall:

2081            (a) develop paper ballots, ballot labels, ballot [~~cards~~] sheets, electronic ballots, and  
2082 provisional ballot envelopes to be used in Utah's Western States Presidential Primary;

2083            (b) ensure that the paper ballots, ballot labels, ballot [~~cards~~] sheets, electronic ballots,  
2084 and provisional ballot envelopes comply generally with the requirements of Title 20A, Chapter  
2085 6, Part 1, General Requirements for All Ballots; and

2086            (c) provide voting booths, election records and supplies, and ballot boxes for each  
2087 voting precinct as required by Section 20A-5-403.

2088            (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,  
2089 Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant  
2090 governor, together with county clerks, suppliers of election materials, and representatives of  
2091 registered political parties shall ensure that the paper ballots, ballot labels, ballot [~~cards~~] sheets,  
2092 electronic ballots, provisional ballot envelopes, and voting booths, election records and  
2093 supplies, and ballot boxes:

2094            (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

2095            (ii) simplify the task of [~~election judges~~] poll workers, particularly in determining a  
2096 voter's party affiliation;

2097            (iii) minimize the possibility of spoiled ballots due to voter confusion; and

2098            (iv) protect against fraud.

2099            (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,  
2100 county clerks, suppliers of election materials, and representatives of registered political parties  
2101 shall:

2102            (i) mark, prepunch, or otherwise identify ballot [~~cards~~] sheets as being for a particular  
2103 registered political party; and

2104            (ii) instruct persons counting the ballots to count only those votes for candidates from

2105 the registered political party whose ballot the voter received.

2106 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor,  
2107 county clerks, suppliers of election materials, and representatives of registered political parties  
2108 may:

2109 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use  
2110 different colored ballot [~~cards~~] sheets for each registered political party;

2111 (ii) place ballot labels or ballots for each registered political party in different voting  
2112 booths and direct voters to the particular voting booth for the political party whose ballot they  
2113 are voting; or

2114 (iii) consider other means of accomplishing the objectives outlined in Subsection  
2115 (2)(a).

2116 Section 33. Section **20A-9-808** is amended to read:

2117 **20A-9-808. Voting.**

2118 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary  
2119 shall give his name, the name of the registered political party whose ballot the voter wishes to  
2120 vote, and, if requested, his residence, to one of the [~~election judges~~] poll workers.

2121 (b) If [~~an election judge~~] a poll worker does not know the person requesting a ballot  
2122 and has reason to doubt that person's identity, the judge shall request identification or have the  
2123 voter identified by a known registered voter of the district.

2124 (c) If the person's right to vote is challenged as provided in Section 20A-3-202, the  
2125 [~~judge~~] poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

2126 (2) (a) (i) When the voter is properly identified, the [~~election judge~~] poll worker in  
2127 charge of the official register shall check the official register to determine:

2128 (A) whether or not the person is registered to vote; and

2129 (B) whether or not the person's party affiliation designation in the official register  
2130 allows the voter to vote the ballot that the voter requested.

2131 (ii) If the official register does not affirmatively identify the voter as being affiliated  
2132 with a registered political party or if the official register identifies the voter as being  
2133 "unaffiliated," the voter shall be considered to be "unaffiliated."

2134 (b) If the voter's name is not found on the official register, the [~~election judge~~] poll  
2135 worker shall follow the procedures and requirements of Section 20A-3-105.5.

2136 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
2137 affiliation listed in the official register does not allow the voter to vote the ballot that the voter  
2138 requested, the ~~[election judge]~~ poll worker shall inform the voter of that fact and inform the  
2139 voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

2140 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official  
2141 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a  
2142 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the  
2143 ballot that the voter requests, the ~~[election judge]~~ poll worker shall ask the voter if the voter  
2144 wishes to affiliate with the registered political party whose ballot the voter requested, vote  
2145 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or  
2146 remain "unaffiliated."

2147 (B) If the voter wishes to affiliate with the registered political party whose ballot the  
2148 voter requested, the ~~[election judge]~~ poll worker shall enter in the official register the voter's  
2149 new party affiliation and proceed as required by Subsection (3).

2150 (C) If the voter wishes to vote another registered political party ballot that the  
2151 unaffiliated voter is authorized to vote, the ~~[election judge]~~ poll worker shall proceed as  
2152 required by Subsection (3).

2153 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
2154 that unaffiliated voters are authorized to vote, the ~~[election judge]~~ poll worker shall instruct the  
2155 voter that the voter may not vote.

2156 (3) If the ~~[election judge]~~ poll worker determines that the voter is registered and  
2157 eligible, under Subsection (2), to vote the ballot that the voter requested and:

2158 (a) if the ballot is a paper ballot or a ballot sheet:

2159 ~~[(a)]~~ (i) the ~~[election judge]~~ poll worker in charge of the official register shall:

2160 ~~[(i)]~~ (A) write the ballot number and the name of the registered political party whose  
2161 ballot the voter voted opposite the name of the voter in the official register; and

2162 ~~[(ii)]~~ (B) direct the voter to sign his name in the election column in the official register;

2163 ~~[(b)]~~ (ii) another ~~[judge]~~ poll worker shall list the ballot number and voter's name in the  
2164 pollbook; and

2165 ~~[(c)]~~ (iii) the ~~[election judge]~~ poll worker having charge of the ballots shall:

2166 ~~[(i)]~~ (A) endorse his initials on the stub;

2167 [(iv)] (B) check the name of the voter on the pollbook list with the number of the stub;

2168 [(iii)] (C) hand the voter the ballot for the registered political party that the voter

2169 requested and for which the voter is authorized to vote; and

2170 [(iv)] (D) allow the voter to enter the voting booth[-]; or

2171 (b) if the ballot is an electronic ballot:

2172 (i) the poll worker in charge of the official register shall direct the voter to sign the

2173 voter's name in the official register;

2174 (ii) another poll worker shall list the voter's name in the pollbook; and

2175 (iii) the poll worker having charge of the ballots shall:

2176 (A) provide the voter access to the electronic ballot for the registered political party

2177 that the voter requested and for which the voter is authorized to vote; and

2178 (B) allow the voter to vote the electronic ballot.

2179 (4) Whenever the election officer is required to furnish more than one kind of official

2180 ballot to the voting precinct, the ~~election judges~~ poll workers of that voting precinct shall give

2181 the registered voter the kind of ballot that the voter is qualified to vote.

2182 Section 34. **Repealer.**

2183 This bill repeals:

2184 Section **20A-6-104, Electronic ballots and electronic voting.**

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**Legislative Review Note**

as of 1-25-06 2:09 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**