

**WORDING ON ELECTION BALLOTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends Title 20A, Chapter 6, Ballot Form, regarding the voting instructions on a ballot.

**Highlighted Provisions:**

This bill:

- ▶ amends the voting instructions on a ballot for an office to which more than one person will be elected; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-6-301**, as last amended by Laws of Utah 2011, Chapter 292

**20A-6-401**, as last amended by Laws of Utah 2011, Chapter 292

**20A-6-401.1**, as last amended by Laws of Utah 2011, Chapter 292

**20A-6-402**, as last amended by Laws of Utah 2011, Chapter 292

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



28 Section 1. Section **20A-6-301** is amended to read:

29 **20A-6-301. Paper ballots -- Regular general election.**

30 (1) Each election officer shall ensure that:

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

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

35 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
36 stub; and

37 (iii) ballot stubs are numbered consecutively;

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

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

41 (ii) the date of the election; and

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

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

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

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

50 (g) unaffiliated candidates and candidates not affiliated with a registered political party  
51 are listed in one column in the order specified under Section 20A-6-305, without a party circle,  
52 with the following instructions printed at the head of the column: "All candidates not affiliated  
53 with a political party are listed below. They are to be considered with all offices and  
54 candidates listed to the left. Only one vote is allowed for each office.";

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

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

59 (j) the names of candidates are printed in capital letters, not less than one-eighth nor  
60 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between  
61 lines or rules three-eighths of an inch apart;

62 (k) a square with sides measuring not less than one-fourth of an inch in length is  
63 printed immediately adjacent to the name of each candidate;

64 (l) for the offices of president and vice president and governor and lieutenant governor,  
65 one square with sides measuring not less than one-fourth of an inch in length is printed on the  
66 same side as but opposite a double bracket enclosing the names of the two candidates;

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

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

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

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

80 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
81 one-half inch circle;

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

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

87 (2) Each election officer shall ensure that:

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

- 90 (i) under the party name and emblem, if any; or
- 91 (ii) under the title of the party or group as designated by them in their certificates of  
92 nomination or petition, or, if none is designated, then under some suitable title;
- 93 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,  
94 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
- 95 (c) the names of the candidates for president and vice president are used on the ballot  
96 instead of the names of the presidential electors; and
- 97 (d) the ballots contain no other names.
- 98 (3) When the ballot contains a nonpartisan section, the election officer shall ensure  
99 that:
- 100 (a) the designation of the office to be filled in the election and the number of  
101 candidates to be elected are printed in type not smaller than eight point;
- 102 (b) the words designating the office are printed flush with the left-hand margin;
- 103 (c) the words, "Vote for one" or "Vote for [~~two or more~~] up to \_\_\_\_\_ (the number of  
104 candidates for which the voter may vote)" extend to the extreme right of the column;
- 105 (d) the nonpartisan candidates are grouped according to the office for which they are  
106 candidates;
- 107 (e) the names in each group are placed in the order specified under Section 20A-6-305  
108 with the surnames last; and
- 109 (f) each group is preceded by the designation of the office for which the candidates  
110 seek election, and the words, "Vote for one" or "Vote for [~~two or more~~] up to \_\_\_\_\_ (the  
111 number of candidates for which the voter may vote)," according to the number to be elected.
- 112 (4) Each election officer shall ensure that:
- 113 (a) proposed amendments to the Utah Constitution are listed on the ballot in  
114 accordance with Section 20A-6-107;
- 115 (b) ballot propositions submitted to the voters are listed on the ballot in accordance  
116 with Section 20A-6-107; and
- 117 (c) bond propositions that have qualified for the ballot are listed on the ballot under the  
118 title assigned to each bond proposition under Section 11-14-206.
- 119 Section 2. Section **20A-6-401** is amended to read:
- 120 **20A-6-401. Ballots for municipal primary elections.**

- 121 (1) Each election officer shall ensure that:
- 122 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across  
123 the top of the ballot;
- 124 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
125 stub; and
- 126 (iii) ballot stubs are numbered consecutively;
- 127 (b) immediately below the perforated ballot stub, the following endorsements are  
128 printed in 18 point bold type:
- 129 (i) "Official Primary Ballot for \_\_\_\_ (City or Town), Utah";
- 130 (ii) the date of the election; and
- 131 (iii) a facsimile of the signature of the election officer and the election officer's title in  
132 eight point type;
- 133 (c) immediately below the election officer's title, two one-point parallel horizontal  
134 rules separate endorsements from the rest of the ballot;
- 135 (d) immediately below the horizontal rules, an "Instructions to Voters" section is  
136 printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the  
137 square following the name(s) of the person(s) you favor as the candidate(s) for each respective  
138 office." followed by two one-point parallel rules;
- 139 (e) after the rules, the designation of the office for which the candidates seek  
140 nomination is printed flush with the left-hand margin and the words[?], "Vote for one" or "Vote  
141 for [~~two or more~~] up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" are  
142 printed to extend to the extreme right of the column in 10-point bold type, followed by a  
143 hair-line rule;
- 144 (f) after the hair-line rule, the names of the candidates are printed in heavy face type  
145 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305  
146 with surnames last and grouped according to the office that they seek;
- 147 (g) a square with sides not less than one-fourth inch long is printed immediately  
148 adjacent to the names of the candidates; and
- 149 (h) the candidate groups are separated from each other by one light and one heavy line  
150 or rule.
- 151 (2) A municipal primary ballot may not contain any space for write-in votes.

152 Section 3. Section **20A-6-401.1** is amended to read:

153 **20A-6-401.1. Ballots for partisan municipal primary elections.**

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

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

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

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

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

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

164 (c) the political parties are printed on the ballot in the order specified under Section  
165 20A-6-305;

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

168 (ii) the ballot number and the words "Poll Worker's Initials \_\_\_\_" are printed on the  
169 stub; and

170 (iii) ballot stubs are numbered consecutively;

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

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

174 (ii) the date of the election; and

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

176 (f) after the facsimile signature, the political party emblem and the name of the  
177 political party are printed;

178 (g) after the party name and emblem, the ballot contains the following printed in not  
179 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a  
180 candidate, place a cross (X) in the square immediately adjacent to the name of the person for  
181 whom you wish to vote and in no other place. Do not vote for any candidate listed under more  
182 than one party or group designation.", followed by two one-point parallel horizontal rules;

183 (h) after the rules, the designation of the office for which the candidates seek  
184 nomination is printed flush with the left-hand margin and the words[?], "Vote for one" or "Vote  
185 for [~~two or more~~] up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" are  
186 printed to extend to the extreme right of the column in 10-point bold type, followed by a  
187 hair-line rule;

188 (i) after the hair-line rule, the names of the candidates are printed in heavy face type  
189 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305  
190 with surnames last and grouped according to the office that they seek;

191 (j) a square with sides not less than one-fourth inch long is printed immediately  
192 adjacent to the names of the candidates;

193 (k) the candidate groups are separated from each other by one light and one heavy line  
194 or rule; and

195 (l) the nonpartisan candidates are listed as follows:

196 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"  
197 is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of  
198 the party listing above; and

199 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the  
200 candidate's name, the voting square, and any other necessary information is printed in the same  
201 style and manner as for party candidates.

202 (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer  
203 may require that:

204 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary  
205 election consist of several groups of pages or display screens, so that a separate group can be  
206 used to list the names of candidates seeking nomination of each qualified political party, with  
207 additional groups used to list candidates for other nonpartisan offices;

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

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

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

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

216 (ii) determine the order for printing the names of the political parties on the ballot label  
217 in accordance with Section 20A-6-305.

218 Section 4. Section **20A-6-402** is amended to read:

219 **20A-6-402. Ballots for municipal general elections.**

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

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

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

226 (c) for other offices:

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

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

232 (d) the names of the candidates are placed on the ballot in the order specified under  
233 Section 20A-6-305;

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

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

236 (ii) a square or other conforming area that is adjacent to or opposite the blank  
237 horizontal line to enable the voter to indicate the voter's vote;

238 (f) ballot propositions that have qualified for the ballot, including propositions  
239 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are  
240 listed on the ballot in accordance with Section 20A-6-107; and

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

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



245 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across  
246 the top of the ballot;

247 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
248 stub; and

249 (iii) ballot stubs are numbered consecutively;

250 (b) immediately below the perforated ballot stub, the following endorsements are  
251 printed in 18 point bold type:

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

253 (ii) the date of the election; and

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

256 (c) immediately below the election officer's title, two one-point parallel horizontal  
257 rules separate endorsements from the rest of the ballot;

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

262 (e) after the rules, the designation of the office for which the candidates seek election is  
263 printed flush with the left-hand margin and the words[:], "Vote for one" or "Vote for [~~two or~~  
264 ~~more~~] up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" are printed to  
265 extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

266 (f) after the hair-line rule, the names of the candidates are printed in heavy face type  
267 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305  
268 with surnames last and grouped according to the office that they seek;

269 (g) a square with sides not less than one-fourth inch long is printed immediately  
270 adjacent to the names of the candidates;

271 (h) following the name of the last candidate for each office, the ballot contains:

272 (i) a write-in space for each elective office where the voter may enter the name of a  
273 valid write-in candidate; and

274 (ii) a square printed immediately adjacent to the write-in space or line where the voter  
275 may vote for the valid write-in candidate; and

276 (i) the candidate groups are separated from each other by one light and one heavy line  
277 or rule.

278 (3) When using a ballot sheet other than a punch card ballot at municipal general  
279 elections, each election officer shall ensure that:

280 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

281 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
282 stub; and

283 (iii) ballot stubs are numbered consecutively;

284 (b) immediately below the perforated ballot stub, the following endorsements are  
285 printed:

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

287 (ii) the date of the election; and

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

289 (c) immediately below the election officer's title, a distinct border or line separates  
290 endorsements from the rest of the ballot;

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

294 (e) after the border or line, the designation of the office for which the candidates seek  
295 election is printed and the words[:], "Vote for one" or "Vote for [~~two or more~~] up to \_\_\_\_ (the  
296 number of candidates for which the voter may vote)" are printed, followed by a line or border;

297 (f) after the line or border, the names of the candidates are printed in the order  
298 specified under Section 20A-6-305 with surnames last and grouped according to the office that  
299 they seek;

300 (g) an oval is printed adjacent to the names of the candidates;

301 (h) following the name of the last candidate for each office, the ballot contains:

302 (i) a write-in space or blank line for each elective office where the voter may enter the  
303 name of a valid write-in candidate; and

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

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

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

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

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

311 (ii) the date of the election; and

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

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

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

318 (d) after the border or line, the designation of the office for which the candidates seek  
319 election is displayed, and the words[?], "Vote for one" or "Vote for [~~two or more~~] up to \_\_\_\_\_  
320 (the number of candidates for which the voter may vote)" are displayed, followed by a line or  
321 border;

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

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

326 (g) following the name of the last candidate for each office, the ballot contains a  
327 write-in space where the voter may enter the name of and vote for a valid write-in candidate for  
328 the office; and

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

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

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**Legislative Review Note**  
as of 2-8-12 11:30 AM

**Office of Legislative Research and General Counsel**