

VOTING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill amends provisions related to voting.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

- 29 **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52
- 30 **20A-1-607**, as enacted by Laws of Utah 1993, Chapter 1
- 31 **20A-3-202**, as last amended by Laws of Utah 2012, Chapter 251
- 32 **20A-3-202.3**, as last amended by Laws of Utah 2015, Chapter 19
- 33 **20A-3-202.5**, as enacted by Laws of Utah 2010, Chapter 83
- 34 **20A-3-203**, as enacted by Laws of Utah 1993, Chapter 1
- 35 **20A-3-308**, as last amended by Laws of Utah 2017, Chapter 235 and last amended by
- 36 Coordination Clause, Laws of Utah 2017, Chapter 327
- 37 **20A-3-702**, as last amended by Laws of Utah 2013, Chapter 198
- 38 **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225
- 39 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177
- 40 **20A-4-104**, as last amended by Laws of Utah 2017, Chapter 327
- 41 **20A-4-202**, as last amended by Laws of Utah 2007, Chapters 75 and 97
- 42 **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329
- 43 **20A-5-406**, as last amended by Laws of Utah 2015, Chapter 392
- 44 **20A-6-102**, as last amended by Laws of Utah 2016, Chapter 66
- 45 **20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66
- 46 **20A-6-401**, as last amended by Laws of Utah 2016, Chapter 176
- 47 **20A-6-401.1**, as last amended by Laws of Utah 2013, Chapter 320
- 48 **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176
- 49 **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91
- 50 **20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91
- 51 **REPEALS AND REENACTS:**
- 52 **20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388
- 53 **REPEALS:**
- 54 **20A-15-105**, as enacted by Laws of Utah 1995, Chapter 1
- 55 **Utah Code Sections Affected by Coordination Clause:**

56 **20A-3-202**, as last amended by Laws of Utah 2012, Chapter 251

57 **20A-3-202.3**, as last amended by Laws of Utah 2015, Chapter 19

58

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

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

61 **20A-1-102. Definitions.**

62 As used in this title:

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

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

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

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

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

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

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

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

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

78 (b) a constitutional amendment;

79 (c) an initiative;

80 (d) a referendum;

81 (e) a bond proposition;

82 (f) a judicial retention question;

- 83 (g) an incorporation of a city or town; or
- 84 (h) any other ballot question specifically authorized by the Legislature.
- 85 (6) "Ballot sheet":
- 86 (a) means a ballot that:
- 87 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 88 (ii) can be counted using automatic tabulating equipment; and
- 89 (b) includes punch card ballots and other ballots that are machine-countable.
- 90 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 91 together with a staple or stitch in at least three places across the top of the paper in the blank
- 92 space reserved for securing the paper.
- 93 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 94 [20A-4-306](#) to canvass election returns.
- 95 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 96 the proposed issuance of bonds by a government entity.
- 97 (10) "Book voter registration form" means voter registration forms contained in a
- 98 bound book that are used by election officers and registration agents to register persons to vote.
- 99 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 100 charge by the sender.
- 101 (12) "By-mail voter registration form" means a voter registration form designed to be
- 102 completed by the voter and mailed to the election officer.
- 103 (13) "Canvass" means the review of election returns and the official declaration of
- 104 election results by the board of canvassers.
- 105 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 106 the canvass.
- 107 (15) "Contracting election officer" means an election officer who enters into a contract
- 108 or interlocal agreement with a provider election officer.
- 109 (16) "Convention" means the political party convention at which party officers and

110 delegates are selected.

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

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

115 [~~(19)~~] "~~Counting poll watcher~~" means a person selected as provided in Section
116 ~~20A-3-201~~ to witness the counting of ballots.]

117 [~~(20)~~] (19) "Counting room" means a suitable and convenient private place or room,
118 immediately adjoining the place where the election is being held, for use by the poll workers
119 and counting judges to count ballots during election day.

120 [~~(21)~~] (20) "County officers" means those county officers that are required by law to be
121 elected.

122 [~~(22)~~] (21) "Date of the election" or "election day" or "day of the election":

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

125 (b) does not include:

126 (i) deadlines established for absentee voting; or

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

129 [~~(23)~~] (22) "Elected official" means:

130 (a) a person elected to an office under Section ~~20A-1-303~~;

131 (b) a person who is considered to be elected to a municipal office in accordance with
132 Subsection ~~20A-1-206(1)(c)(ii)~~; or

133 (c) a person who is considered to be elected to a local district office in accordance with
134 Subsection ~~20A-1-206(3)(c)(ii)~~.

135 [~~(24)~~] (23) "Election" means a regular general election, a municipal general election, a
136 statewide special election, a local special election, a regular primary election, a municipal

137 primary election, and a local district election.

138 ~~[(25)]~~ (24) "Election Assistance Commission" means the commission established by
139 the Help America Vote Act of 2002, Pub. L. No. 107-252.

140 ~~[(26)]~~ (25) "Election cycle" means the period beginning on the first day persons are
141 eligible to file declarations of candidacy and ending when the canvass is completed.

142 ~~[(27)]~~ (26) "Election judge" means a poll worker that is assigned to:

- 143 (a) preside over other poll workers at a polling place;
- 144 (b) act as the presiding election judge; or
- 145 (c) serve as a canvassing judge, counting judge, or receiving judge.

146 ~~[(28)]~~ (27) "Election officer" means:

- 147 (a) the lieutenant governor, for all statewide ballots and elections;
- 148 (b) the county clerk for:
 - 149 (i) a county ballot and election; and
 - 150 (ii) a ballot and election as a provider election officer as provided in Section

151 [20A-5-400.1](#) or [20A-5-400.5](#);

152 (c) the municipal clerk for:

- 153 (i) a municipal ballot and election; and
- 154 (ii) a ballot and election as a provider election officer as provided in Section

155 [20A-5-400.1](#) or [20A-5-400.5](#);

156 (d) the local district clerk or chief executive officer for:

- 157 (i) a local district ballot and election; and
- 158 (ii) a ballot and election as a provider election officer as provided in Section

159 [20A-5-400.1](#) or [20A-5-400.5](#); or

160 (e) the business administrator or superintendent of a school district for:

- 161 (i) a school district ballot and election; and
- 162 (ii) a ballot and election as a provider election officer as provided in Section

163 [20A-5-400.1](#) or [20A-5-400.5](#).

164 ~~[(29)]~~ (28) "Election official" means any election officer, election judge, or poll
165 worker.

166 ~~[(30)]~~ (29) "Election results" means:

167 (a) for an election other than a bond election, the count of votes cast in the election and
168 the election returns requested by the board of canvassers; or

169 (b) for bond elections, the count of those votes cast for and against the bond
170 proposition plus any or all of the election returns that the board of canvassers may request.

171 ~~[(31)]~~ (30) "Election returns" includes the pollbook, the military and overseas absentee
172 voter registration and voting certificates, one of the tally sheets, any unprocessed absentee
173 ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot
174 disposition form, and the total votes cast form.

175 ~~[(32)]~~ (31) "Electronic ballot" means a ballot that is recorded using a direct electronic
176 voting device or other voting device that records and stores ballot information by electronic
177 means.

178 ~~[(33)]~~ (32) "Electronic signature" means an electronic sound, symbol, or process
179 attached to or logically associated with a record and executed or adopted by a person with the
180 intent to sign the record.

181 ~~[(34)]~~ (33) (a) "Electronic voting device" means a voting device that uses electronic
182 ballots.

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

184 ~~[(35)]~~ (34) "Inactive voter" means a registered voter who is listed as inactive by a
185 county clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).

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

188 ~~[(37)]~~ (35) "Judicial office" means the office filled by any judicial officer.

189 ~~[(38)]~~ (36) "Judicial officer" means any justice or judge of a court of record or any
190 county court judge.

191 [~~(39)~~] (37) "Local district" means a local government entity under Title 17B, Limited
192 Purpose Local Government Entities - Local Districts, and includes a special service district
193 under Title 17D, Chapter 1, Special Service District Act.

194 [~~(40)~~] (38) "Local district officers" means those local district board members that are
195 required by law to be elected.

196 [~~(41)~~] (39) "Local election" means a regular county election, a regular municipal
197 election, a municipal primary election, a local special election, a local district election, and a
198 bond election.

199 [~~(42)~~] (40) "Local political subdivision" means a county, a municipality, a local
200 district, or a local school district.

201 [~~(43)~~] (41) "Local special election" means a special election called by the governing
202 body of a local political subdivision in which all registered voters of the local political
203 subdivision may vote.

204 [~~(44)~~] (42) "Municipal executive" means:

- 205 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
- 206 (b) the mayor in the council-manager form of government defined in Subsection
207 10-3b-103(7); or
- 208 (c) the chair of a metro township form of government defined in Section 10-3b-102.

209 [~~(45)~~] (43) "Municipal general election" means the election held in municipalities and,
210 as applicable, local districts on the first Tuesday after the first Monday in November of each
211 odd-numbered year for the purposes established in Section 20A-1-202.

212 [~~(46)~~] (44) "Municipal legislative body" means:

- 213 (a) the council of the city or town in any form of municipal government; or
- 214 (b) the council of a metro township.

215 [~~(47)~~] (45) "Municipal office" means an elective office in a municipality.

216 [~~(48)~~] (46) "Municipal officers" means those municipal officers that are required by
217 law to be elected.

218 ~~[(49)]~~ (47) "Municipal primary election" means an election held to nominate
219 candidates for municipal office.

220 ~~[(50)]~~ (48) "Municipality" means a city, town, or metro township.

221 ~~[(51)]~~ (49) "Official ballot" means the ballots distributed by the election officer to the
222 poll workers to be given to voters to record their votes.

223 ~~[(52)]~~ (50) "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) (A) for a ballot prepared by an election officer other than a county clerk, the
228 facsimile signature required by Subsection [20A-6-401\(1\)](#)~~[(b)]~~(a)(iii); or

229 (B) for a ballot prepared by a county clerk, the words required by Subsection
230 [20A-6-301\(1\)](#)~~[(c)]~~(b)(iii); and

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

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

233 (ii) the ballot number.

234 ~~[(53)]~~ (51) "Official register" means the official record furnished to election officials
235 by the election officer that contains the information required by Section [20A-5-401](#).

236 ~~[(54)]~~ (52) "Paper ballot" means a paper that contains:

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

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

241 ~~[(55)]~~ (53) "Political party" means an organization of registered voters that has
242 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
243 Formation and Procedures.

244 ~~[(58)]~~ (54) (a) "Poll worker" means a person assigned by an election official to assist

245 with an election, voting, or counting votes.

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

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

248 ~~[(56)]~~ (55) "Pollbook" means a record of the names of voters in the order that they
249 appear to cast votes.

250 ~~[(57)]~~ (56) "Polling place" means the building where voting is conducted.

251 ~~[(59)]~~ (57) "Position" means a square, circle, rectangle, or other geometric shape on a
252 ballot in which the voter marks the voter's choice.

253 ~~[(60)]~~ (58) "Primary convention" means the political party conventions held during the
254 year of the regular general election.

255 ~~[(61)]~~ (59) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

258 ~~[(62)]~~ (60) "Provider election officer" means an election officer who enters into a
259 contract or interlocal agreement with a contracting election officer to conduct an election for
260 the contracting election officer's local political subdivision in accordance with Section
261 [20A-5-400.1](#).

262 ~~[(63)]~~ (61) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

266 ~~[(64)]~~ (62) "Provisional ballot envelope" means an envelope printed in the form
267 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
268 information to verify a person's legal right to vote.

269 ~~[(65)]~~ (63) "Qualify" or "qualified" means to take the oath of office and begin
270 performing the duties of the position for which the person was elected.

271 ~~[(66)]~~ (64) "Receiving judge" means the poll worker that checks the voter's name in the

272 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
273 after the voter has voted.

274 [~~(67)~~] (65) "Registration form" means a book voter registration form and a by-mail
275 voter registration form.

276 [~~(68)~~] (66) "Regular ballot" means a ballot that is not a provisional ballot.

277 [~~(69)~~] (67) "Regular general election" means the election held throughout the state on
278 the first Tuesday after the first Monday in November of each even-numbered year for the
279 purposes established in Section 20A-1-201.

280 [~~(70)~~] (68) "Regular primary election" means the election on the fourth Tuesday of
281 June of each even-numbered year, to nominate candidates of political parties and candidates for
282 nonpartisan local school board positions to advance to the regular general election.

283 [~~(71)~~] (69) "Resident" means a person who resides within a specific voting precinct in
284 Utah.

285 [~~(72)~~] (70) "Sample ballot" means a mock ballot similar in form to the official ballot
286 printed and distributed as provided in Section 20A-5-405.

287 [~~(73)~~] (71) "Scratch vote" means to mark or punch the straight party ticket and then
288 mark or punch the ballot for one or more candidates who are members of different political
289 parties or who are unaffiliated.

290 [~~(74)~~] (72) "Secrecy envelope" means the envelope given to a voter along with the
291 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
292 secrecy of the voter's vote.

293 [~~(75)~~] (73) "Special election" means an election held as authorized by Section
294 20A-1-203.

295 [~~(76)~~] (74) "Spoiled ballot" means each ballot that:

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

299 [~~(77)~~] (75) "Statewide special election" means a special election called by the governor
300 or the Legislature in which all registered voters in Utah may vote.

301 [~~(78)~~] (76) "Stub" means the detachable part of each ballot.

302 [~~(79)~~] (77) "Substitute ballots" means replacement ballots provided by an election
303 officer to the poll workers when the official ballots are lost or stolen.

304 [~~(80)~~] (78) "Ticket" means a list of:

- 305 (a) political parties;
- 306 (b) candidates for an office; or
- 307 (c) ballot propositions.

308 [~~(81)~~] (79) "Transfer case" means the sealed box used to transport voted ballots to the
309 counting center.

310 [~~(82)~~] (80) "Vacancy" means the absence of a person to serve in any position created
311 by statute, whether that absence occurs because of death, disability, disqualification,
312 resignation, or other cause.

313 [~~(83)~~] (81) "Valid voter identification" means:

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

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

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

- 325 (i) a valid tribal identification card;

- 326 (ii) a Bureau of Indian Affairs card; or
- 327 (iii) a tribal treaty card; or
- 328 (c) two forms of identification not listed under Subsection [~~(83)~~] (81)(a) or (b) but that
- 329 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
- 330 which may include:
 - 331 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 - 332 election;
 - 333 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 334 (iii) a certified birth certificate;
 - 335 (iv) a valid social security card;
 - 336 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 337 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 338 (vii) a currently valid Utah hunting or fishing license;
 - 339 (viii) certified naturalization documentation;
 - 340 (ix) a currently valid license issued by an authorized agency of the United States;
 - 341 (x) a certified copy of court records showing the voter's adoption or name change;
 - 342 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 343 (xii) a currently valid identification card issued by:
 - 344 (A) a local government within the state;
 - 345 (B) an employer for an employee; or
 - 346 (C) a college, university, technical school, or professional school located within the
 - 347 state; or
 - 348 (xiii) a current Utah vehicle registration.
- 349 [~~(84)~~] (82) "Valid write-in candidate" means a candidate who has qualified as a
- 350 write-in candidate by following the procedures and requirements of this title.
- 351 [~~(85)~~] (83) "Voter" means a person who:
 - 352 (a) meets the requirements for voting in an election;

353 (b) meets the requirements of election registration;

354 (c) is registered to vote; and

355 (d) is listed in the official register book.

356 ~~[(86)]~~ (84) "Voter registration deadline" means the registration deadline provided in
357 Section [20A-2-102.5](#).

358 ~~[(87)]~~ (85) "Voting area" means the area within six feet of the voting booths, voting
359 machines, and ballot box.

360 ~~[(88)]~~ (86) "Voting booth" means:

361 (a) the space or compartment within a polling place that is provided for the preparation
362 of ballots, including the voting machine enclosure or curtain; or

363 (b) a voting device that is free standing.

364 ~~[(89)]~~ (87) "Voting device" means:

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

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

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

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

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

373 ~~[(90)]~~ (88) "Voting machine" means a machine designed for the sole purpose of
374 recording and tabulating votes cast by voters at an election.

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

377 ~~[(92)]~~ (89) "Voting precinct" means the smallest voting unit established as provided by
378 law within which qualified voters vote at one polling place.

379 ~~[(93)]~~ (90) "Watcher" means ~~[a voting poll watcher, a counting poll watcher, an~~

380 ~~inspecting poll watcher, and a testing watcher]~~ an individual who complies with the
381 requirements described in Section 20A-3-201 to become a watcher for an election.

382 ~~[(94)]~~ (91) "Western States Presidential Primary" means the election established in
383 Chapter 9, Part 8, Western States Presidential Primary.

384 ~~[(95)]~~ (92) "Write-in ballot" means a ballot containing any write-in votes.

385 ~~[(96)]~~ (93) "Write-in vote" means a vote cast for a person whose name is not printed on
386 the ballot according to the procedures established in this title.

387 Section 2. Section 20A-1-607 is amended to read:

388 **20A-1-607. Inducing attendance at polls -- Payment of workers.**

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

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

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

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

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

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

404 **20A-3-201. Watchers.**

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

406 (a) the election officer; or

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

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

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

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

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

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

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

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

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

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

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

433 (4) A watcher may:

- 434 (a) observe the setup or takedown of a polling location;
- 435 (b) observe a voter checking in at a polling location;
- 436 (c) observe the collection, receipt, and processing of a ballot, including a provisional
- 437 ballot or a ballot cast by a covered voter as defined in Section [20A-16-102](#);
- 438 (d) observe the transport or transmission of a ballot that is in an election official's
- 439 custody;
- 440 (e) observe the opening and inspection of a by-mail ballot;
- 441 (f) observe ballot duplication;
- 442 (g) observe the conduct of logic and accuracy testing described in Section [20A-5-802](#);
- 443 (h) observe ballot tabulation;
- 444 (i) observe the process of storing and securing a ballot;
- 445 (j) observe a post-election audit;
- 446 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,
- 447 Canvassing Returns;
- 448 (l) observe the certification of the results of an election; or
- 449 (m) observe a recount.
- 450 (5) (a) A watcher may not:
- 451 (i) electronically record an activity described in Subsection (4) if the recording would
- 452 reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
- 453 (ii) interfere with an activity described in Subsection (4), except to challenge an
- 454 individual's eligibility to vote under Section [20A-3-202](#); or
- 455 (iii) divulge information related to the number of votes counted, tabulated, or cast for a
- 456 candidate or ballot proposition until after the election officer makes the information public.
- 457 (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.
- 458 (6) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working
- 459 environment for an election official or to protect the safety or security of a ballot, an
- 460 administering election officer may take reasonable action to:

- 461 (i) limit the number of watchers at a single location;
- 462 (ii) remove a watcher for violating a provision of this section;
- 463 (iii) remove a watcher for interfering with an activity described in Subsection (4);
- 464 (iv) designate areas for a watcher to reasonably observe the activities described in
- 465 Subsection (4); or
- 466 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
- 467 (b) If an administering election officer limits the number of watchers at a single
- 468 location under Subsection (6)(a)(i), the administering election officer shall give preferential
- 469 access to the location to a watcher designated under Subsection (3).
- 470 (c) An administering election officer may provide a watcher a badge that identifies the
- 471 watcher and require the watcher to wear the badge while acting as a watcher.

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

473 **20A-3-202. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**

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

475 (1) A person may challenge an individual's eligibility to vote on any of the following

476 grounds:

477 (a) the [~~voter~~] individual is not the [~~person~~] individual in whose name [~~appears in the~~

478 ~~official register or under which name the right to vote is claimed~~] the individual tries to vote;

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

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

481 (d) the [~~voter~~] individual has not or will not have resided in Utah for 30 days

482 immediately before the date of the election;

483 (e) the [~~voter's~~] individual's principal place of residence is not in the voting precinct

484 [~~claimed~~] that the individual claims;

485 (f) the [~~voter's~~] individual's principal place of residence is not in the geographic

486 boundaries of the election area;

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

- 488 (h) the [voter] individual is not at least 18 years of age;
- 489 (i) the [voter] individual has been convicted of a misdemeanor for an offense under this
 490 title and the [voter's] individual's right to vote in an election has not been restored under
 491 Section 20A-2-101.3;
- 492 (j) the [voter] individual is a convicted felon and the voter's right to vote in an election
 493 has not been restored under Section 20A-2-101.5; or
- 494 (k) in a regular primary election or in the Western States Presidential Primary, the
 495 [voter] individual does not meet the political party affiliation requirements for the ballot the
 496 [voter] individual seeks to vote.
- 497 (2) A person who challenges [~~another person's~~] an individual's right to vote [~~at~~] in an
 498 election shall [~~do so according to the procedures and requirements of~~] make the challenge in
 499 accordance with:
- 500 (a) Section 20A-3-202.3, for [~~challenges issued in writing more than 21 days before the~~
 501 ~~day on which voting commences~~] a challenge that is not made in person at the time an
 502 individual votes; or
- 503 (b) Section 20A-3-202.5, for challenges [~~issued~~] made in person at the time [~~of voting~~]
 504 an individual votes.
- 505 Section 5. Section 20A-3-202.3 is amended to read:
- 506 **20A-3-202.3. Pre-election challenges to a voter's eligibility in writing -- Procedure**
 507 **-- Form of challenge.**
- 508 (1) (a) A person may challenge [~~the right to vote of a person whose name appears on~~
 509 ~~the official register by filing with the election officer, during regular business hours and not~~
 510 ~~later than 21 days before the date that early voting commences;~~] an individual's eligibility to
 511 vote by filing a written statement with the election officer in accordance with Subsection (1)(b)
 512 that:
- 513 (i) lists the name and address of the person filing the challenge;
- 514 (ii) for each [voter] individual who is challenged:

- 515 (A) identifies the name of the challenged [~~voter~~] individual;
- 516 (B) lists the last known address or telephone number of the challenged [~~voter~~]
- 517 individual;
- 518 (C) provides the basis for the challenge, as provided under Section 20A-3-202;
- 519 (D) provides facts and circumstances supporting the basis provided; and
- 520 (E) may include supporting documents, affidavits, or other evidence; and
- 521 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:
- 522 (A) the filer exercised due diligence to personally verify the facts and circumstances
- 523 establishing the basis for the challenge; and
- 524 (B) according to the filer's personal knowledge and belief, the basis for the challenge
- 525 under Section 20A-3-202 for each challenged [~~voter~~] individual is valid.
- 526 (b) A person that files a written statement under Subsection (1)(a) shall file the written
- 527 statement during the election officer's regular business hours:
- 528 (i) at least 45 days before the day of the election; or
- 529 (ii) if the challenge is to an individual who registered to vote between the day that is 45
- 530 days before the election and the day of the election:
- 531 (A) on or before the day of the election; and
- 532 (B) before the individual's ballot is removed from a ballot envelope or otherwise
- 533 separated from any information that could be used to identify the ballot as the individual's
- 534 ballot.
- 535 [~~(b)~~] (c) The challenge may not be based on unsupported allegations or allegations by
- 536 an anonymous person.
- 537 [~~(c) The~~] (d) An election officer may [~~provide~~] require a person that files a challenge
- 538 under this section to file the challenge on a form provided by the election officer that meets the
- 539 requirements of this section [~~for challenges filed under this section~~].
- 540 (2) [~~(a)~~] If the challenge is not in the proper form, is incomplete, or if the basis for the
- 541 challenge does not meet the requirements of this part, the election officer [~~may~~] shall dismiss

542 the challenge and notify the filer in writing of the reasons for the dismissal.

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

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

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

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

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

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

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

555 (iii) if the election is being conducted entirely by absentee ballot or if the individual is
 556 otherwise registered to vote by absentee ballot, that if the individual votes by absentee ballot,
 557 the individual's ballot will be treated as a provisional ballot unless the challenge is resolved;

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

560 and

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

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

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

568 (4) (a) ~~[Before the day on which early voting commences, the]~~ The election officer

569 shall determine whether each challenged [~~voter~~] individual is eligible to vote[:] before the day
570 on which:

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

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

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

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

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

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

587 (b) The district court shall uphold the decision of the election officer unless the district
588 court determines that the decision was arbitrary, capricious, or unlawful.

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

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

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

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

596 official.

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

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

601 Section 6. Section **20A-3-202.5** is amended to read:

602 **20A-3-202.5. Challenges to a voter's eligibility at time of voting -- Procedure.**

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

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

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

609 (b) [~~A person~~] An individual may make a challenge by orally stating the challenged
610 [~~voter's~~] individual's name and the basis for the challenge, as provided under Section
611 **20A-3-202**.

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

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

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

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

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

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

620 **20A-3-203. Election official or watcher revealing vote.**

621 (1) It is unlawful for [~~any~~] an election official or watcher to reveal to [~~any other~~]
622 another person the name of [~~any~~] a candidate or ballot proposition for whom a voter has voted

623 or to communicate to another ~~[his]~~ person the election official or watcher's opinion, belief, or
624 impression ~~[as to how or]~~ regarding for whom or what a voter has voted.

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

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

627 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition --**
628 **Notice.**

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

632 (b) The poll workers shall:

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

634 (ii) compare the signature of the voter on the application with the signature on the
635 affidavit.

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

638 (i) the affidavit is sufficient;

639 (ii) the signatures correspond; and

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

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

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

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

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

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

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

677 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
678 requirements described in Subsection (5)(b).

679 (b) An affidavit described in Subsection (5)(a)(iii) shall include:

680 (i) an attestation that the individual voted the absentee ballot;

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

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

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

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

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

692 (i) scan the signature on the affidavit electronically and keep the signature on file in the
693 statewide voter registration database developed under Section [20A-2-109](#); and

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

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

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

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

703 (i) one business day after the day on which the election officer rejects the absentee

704 ballot, if the election officer gives the notice by email or text message; or

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

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

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

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

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

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

719 **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**
720 **Election Code.**

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

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

724 (a) regular ballot if:

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

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

728 or

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

730 (B) the voter is otherwise eligible to vote using a regular ballot in accordance with this

731 title; and

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

734 (b) voting center ballot if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

755 **20A-4-101. Counting paper ballots during election day.**

756 (1) Each county legislative body or municipal legislative body that has voting precincts
757 that use paper ballots and each poll worker in those voting precincts shall comply with the

758 requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

783 ~~[(4)]~~ (3) The counting judges shall apply the standards and requirements of Section
784 20A-4-105 to resolve any questions that arise as they count the ballots.

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

786 **20A-4-102. Counting paper ballots after the polls close.**

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

790 (b) The election judges shall apply the standards and requirements of Section
791 **20A-4-105** to resolve any questions that arise as they count the ballots.

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

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

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

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

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

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

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

807 (3) The judges shall:

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

810 (b) seal that envelope or container.

811 (4) The judges shall:

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

814 (b) seal that envelope or container.

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

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

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

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

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

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

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

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

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

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

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

835 (vi) write the word "spoiled" on the back of each ballot that lacks the official
836 endorsement and deposit it in the spoiled ballot envelope; and

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

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

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

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

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

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

848 **20A-4-104. Counting ballots electronically.**

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

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

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

857 (d) The election officer shall ensure that:

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

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

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

865 (e) If any error is detected, the election officer shall determine the cause of the error

866 and correct it.

867 (f) The election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

893 (4) The election officer may:
894 (a) conduct an unofficial count before conducting the official count in order to provide
895 early unofficial returns to the public;
896 (b) release unofficial returns from time to time after the polls close; and
897 (c) report the progress of the count for each candidate during the actual counting of
898 ballots.

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

901 (6) (a) The election officer or ~~his~~ the election officer's designee shall:
902 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
903 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

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

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

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

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

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

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

918 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**
919 **provisional ballots cast.**

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

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

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

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

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

927 ~~[(F)]~~ (A) count the ballots; and

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

929 and

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

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

935 (2) Each election officer shall:

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

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

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

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

943 and

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

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

947 (b) The election officer:
948 (i) may access these tabulating cards and other materials;
949 (ii) may make copies of these materials and make changes to the copies;
950 (iii) may not alter or make changes to the materials themselves; and
951 (iv) within 22 months after the election in which they were used, may dispose of those
952 materials or retain them.

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

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

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

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

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

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

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

966 **20A-5-302. Automated voting system.**

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

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

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

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

974 (2) (a) Each automated voting system shall:
975 (i) provide for voting in secrecy, except in the case of voters who have received
976 assistance as authorized by Section 20A-3-108;
977 (ii) permit each voter at any election to:
978 (A) vote for all persons and offices for whom and for which that voter is lawfully
979 entitled to vote;
980 (B) vote for as many persons for an office as that voter is entitled to vote; and
981 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;
982 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the
983 candidates of that party for president, vice president, and for their presidential electors;
984 (iv) permit each voter, at any regular general election, to vote for all the candidates of
985 one registered political party by making one mark or punch;
986 (v) permit each voter to scratch vote;
987 (vi) at elections other than primary elections, permit each voter to vote for the
988 nominees of one or more parties and for independent candidates;
989 (vii) at primary elections:
990 (A) permit each voter to vote for candidates of the political party of [his] the voter's
991 choice; and
992 (B) reject any votes cast for candidates of another party;
993 (viii) prevent the voter from voting for the same person more than once for the same
994 office;
995 (ix) provide the opportunity for each voter to change the ballot and to correct any error
996 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.
997 L. No. 107-252;
998 (x) include automatic tabulating equipment that rejects choices recorded on a voter's
999 ballot if the number of the voter's recorded choices is greater than the number which the voter
1000 is entitled to vote for the office or on the measure;

1001 (xi) be of durable construction, suitably designed so that it may be used safely,
1002 efficiently, and accurately in the conduct of elections and counting ballots;
1003 (xii) when properly operated, record correctly and count accurately each vote cast;
1004 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper
1005 record that:

1006 (A) shall be available as an official record for any recount or election contest
1007 conducted with respect to an election where the voting equipment is used;

1008 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling
1009 place; and

1010 (II) shall permit the voter to inspect the record of the voter's selections independently
1011 only if reasonably practicable commercial methods permitting independent inspection are
1012 available at the time of certification of the voting equipment by the lieutenant governor;

1013 (C) shall include, at a minimum, human readable printing that shows a record of the
1014 voter's selections;

1015 (D) may also include machine readable printing which may be the same as the human
1016 readable printing; and

1017 (E) allows [~~voting poll watchers and counting poll watchers~~] a watcher to observe the
1018 election process to ensure [~~its integrity~~] the integrity of the election process; and

1019 (xiv) meet the requirements of Section [20A-5-802](#).

1020 (b) For the purposes of a recount or an election contest, if the permanent paper record
1021 contains a conflict or inconsistency between the human readable printing and the machine
1022 readable printing, the human readable printing shall supercede the machine readable printing
1023 when determining the intent of the voter.

1024 (c) Notwithstanding any other provisions of this section, the election officers shall
1025 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
1026 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
1027 for use in the counting devices in which they are intended to be placed.

1028 Section 15. Section **20A-5-406** is amended to read:

1029 **20A-5-406. Delivery of ballots.**

1030 (1) In elections using paper ballots or ballot sheets:

1031 (a) Each election officer shall deliver ballots to the poll workers of each voting precinct
1032 in his jurisdiction in an amount sufficient to meet voting needs during the voting period.

1033 (b) The election officer shall:

1034 (i) package and deliver the ballots to the election judges;

1035 (ii) clearly mark the outside of the package with:

1036 (A) the voting precinct and polling place for which it is intended; and

1037 (B) the number of each type of ballots enclosed;

1038 (iii) ensure that each package is delivered before commencement of voting to a poll
1039 worker in each precinct; and

1040 (iv) obtain a receipt for the ballots from the poll worker to whom they were delivered
1041 that identifies the date and time when, and the manner in which, each ballot package was sent
1042 and delivered.

1043 (c) The election officer shall prepare substitute ballots in the form required by this
1044 Subsection (1) if any poll worker reports that:

1045 (i) the ballots were not delivered on time; or

1046 (ii) after delivery, they were destroyed or stolen.

1047 (d) The election officer shall:

1048 (i) prepare the substitute ballots as nearly in the form prescribed for official ballots as
1049 practicable;

1050 (ii) cause the word "substitute" to be printed in brackets:

1051 (A) for a ballot prepared by an election officer other than a county clerk, immediately
1052 under the facsimile signature required by Subsection **20A-6-401(1)**~~(b)~~(a)(iii); or

1053 (B) for a ballot prepared by a county clerk, immediately under the words required by
1054 Subsection **20A-6-301(1)**~~(c)~~(b)(iii);

1055 (iii) place the ballots in two separate packages, each package containing 1/2 the ballots
1056 sent to that voting precinct; and

1057 (iv) place a signed statement in each package certifying that the substitute ballots found
1058 in the package were prepared and furnished by the election officer, and that the original ballots
1059 were not received, were destroyed, or were stolen.

1060 (2) In elections using electronic ballots:

1061 (a) Each election officer shall:

1062 (i) deliver the voting devices and electronic ballots prior to the commencement of
1063 voting;

1064 (ii) ensure that the voting devices, equipment, and electronic ballots are properly
1065 secured before commencement of voting; and

1066 (iii) when electronic ballots or voting devices containing electronic ballots are
1067 delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered
1068 that identifies:

1069 (A) the name of the poll worker receiving delivery; and

1070 (B) the date and time when the ballots or voting devices containing the electronic
1071 ballots were delivered.

1072 (b) The election officer shall repair or provide substitute voting devices, equipment, or
1073 electronic ballots, if available, if any poll worker reports that:

1074 (i) the voting devices or equipment were not delivered on time;

1075 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
1076 information;

1077 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
1078 have been tampered with;

1079 (iv) the voting devices or equipment do not appear to be functioning properly; or

1080 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
1081 or stolen.

1082 (c) If the election officer is unable to prepare and provide substitute voting devices,
1083 equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot
1084 sheets according to the requirements of Subsection (1).

1085 Section 16. Section **20A-6-102** is amended to read:

1086 **20A-6-102. General requirements for machine counted ballots.**

1087 (1) Each election officer shall ensure that ballots and ballot labels are printed:

1088 (a) to a size and arrangement that fits the construction of the voting device; and

1089 (b) in plain, clear type in black ink on clear white stock; or

1090 (c) in plain, clear type in black ink on stock of different colors if it is necessary to:

1091 (i) identify different ballots or parts of the ballot; or

1092 (ii) differentiate between political parties.

1093 (2) Each election officer shall ensure that~~[(a)]~~ ballot sheets are of a size, design, and
1094 stock suitable for processing by automatic data processing machines~~;~~.

1095 ~~[(b) each ballot sheet has an attached perforated stub, on which is printed the words~~
1096 ~~"Official Ballot, (initial) Poll Worker"; and]~~

1097 ~~[(c) ballot stubs are numbered consecutively.]~~

1098 (3) For a race in which a voter is authorized to cast a write-in vote and in which a
1099 write-in candidate is qualified under Section **20A-9-601**, the election officer shall include a
1100 space on the ticket for a write-in candidate immediately following the last candidate listed on
1101 that ticket.

1102 (4) Notwithstanding any other provisions of this section, the election officer may
1103 authorize any ballots that are to be counted by means of electronic or electromechanical
1104 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks
1105 that will be suitable for use in the counting devices in which they are intended to be placed.

1106 Section 17. Section **20A-6-301** is amended to read:

1107 **20A-6-301. Paper ballots -- Regular general election.**

1108 (1) Each election officer shall ensure that:

1109 (a) all paper ballots furnished for use at the regular general election contain:
1110 (i) no captions or other endorsements except as provided in this section;
1111 (ii) no symbols, markings, or other descriptions of a political party or group, except for
1112 a registered political party that has chosen to nominate its candidates in accordance with
1113 Section 20A-9-403; and
1114 (iii) no indication that a candidate for elective office has been nominated by, or has
1115 been endorsed by, or is in any way affiliated with a political party or group, unless the
1116 candidate has been nominated by a registered political party in accordance with Subsection
1117 20A-9-202(4) or Subsection 20A-9-403(5).
1118 ~~[(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the~~
1119 ~~top of the ballot, and divided from the rest of ballot by a perforated line;]~~
1120 ~~[(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the~~
1121 ~~stub; and]~~
1122 ~~[(iii) ballot stubs are numbered consecutively;]~~
1123 ~~[(e)]~~ (b) immediately below the perforated ballot stub, the following endorsements are
1124 printed in 18 point bold type:
1125 (i) "Official Ballot for ____ County, Utah";
1126 (ii) the date of the election; and
1127 (iii) the words "Clerk of _____ County" or, as applicable, the name of a
1128 combined office that includes the duties of a county clerk;
1129 ~~[(d)]~~ (c) the party name or title is printed in capital letters not less than one-fourth of an
1130 inch high;
1131 ~~[(e)]~~ (d) unaffiliated candidates, candidates not affiliated with a registered political
1132 party, and all other candidates for elective office who were not nominated by a registered
1133 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are
1134 listed with the other candidates for the same office in accordance with Section 20A-6-305,
1135 without a party name or title, and with a mark referencing the following statement at the

1136 bottom of the ticket: "This candidate is not affiliated with, or does not qualify to be listed on
 1137 the ballot as affiliated with, a political party.";

1138 ~~[(f)]~~ (e) each ticket containing the lists of candidates, including the party name and
 1139 device, are separated by heavy parallel lines;

1140 ~~[(g)]~~ (f) the offices to be filled are plainly printed immediately above the names of the
 1141 candidates for those offices;

1142 ~~[(h)]~~ (g) the names of candidates are printed in capital letters, not less than one-eighth
 1143 nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,
 1144 between lines or rules three-eighths of an inch apart; and

1145 ~~[(i)]~~ (h) on a ticket for a race in which a voter is authorized to cast a write-in vote and
 1146 in which a write-in candidate is qualified under Section 20A-9-601:

1147 (i) the ballot includes a space for a write-in candidate immediately following the last
 1148 candidate listed on that ticket; or

1149 (ii) for the offices of president and vice president and governor and lieutenant
 1150 governor, the ballot includes two spaces for write-in candidates immediately following the last
 1151 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in
 1152 candidates.

1153 (2) Each election officer shall ensure that:

1154 (a) each person nominated by any registered political party under Subsection
 1155 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

1156 (i) under the registered political party's name, if any; or

1157 (ii) under the title of the registered political party as designated by them in their
 1158 certificates of nomination or petition, or, if none is designated, then under some suitable title;

1159 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
 1160 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

1161 (c) the names of the candidates for president and vice president are used on the ballot
 1162 instead of the names of the presidential electors; and

- 1163 (d) the ballots contain no other names.
- 1164 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
1165 that:
- 1166 (a) the designation of the office to be filled in the election and the number of
1167 candidates to be elected are printed in type not smaller than eight point;
- 1168 (b) the words designating the office are printed flush with the left-hand margin;
- 1169 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
1170 which the voter may vote)" extend to the extreme right of the column;
- 1171 (d) the nonpartisan candidates are grouped according to the office for which they are
1172 candidates;
- 1173 (e) the names in each group are placed in the order specified under Section 20A-6-305
1174 with the surnames last; and
- 1175 (f) each group is preceded by the designation of the office for which the candidates
1176 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
1177 candidates for which the voter may vote)," according to the number to be elected.
- 1178 (4) Each election officer shall ensure that:
- 1179 (a) proposed amendments to the Utah Constitution are listed on the ballot in
1180 accordance with Section 20A-6-107;
- 1181 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
1182 with Section 20A-6-107; and
- 1183 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
1184 title assigned to each bond proposition under Section 11-14-206.
- 1185 Section 18. Section 20A-6-401 is amended to read:
- 1186 **20A-6-401. Ballots for municipal primary elections.**
- 1187 (1) Each election officer shall ensure that:
- 1188 [~~(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across~~
1189 ~~the top of the ballot;~~

1190 ~~_____ (ii) the ballot number and the words "Poll Worker's Initial _____" are printed on the~~
 1191 ~~stub; and~~

1192 ~~_____ (iii) ballot stubs are numbered consecutively;~~

1193 ~~_____ (b) immediately below the perforated ballot stub;~~

1194 (a) the following endorsements are printed in 18 point bold type:

1195 (i) "Official Primary Ballot for _____ (City, Town, or Metro Township), Utah";

1196 (ii) the date of the election; and

1197 (iii) a facsimile of the signature of the election officer and the election officer's title in
 1198 eight point type;

1199 [(e)] (b) immediately below the election officer's title, two one-point parallel horizontal
 1200 rules separate endorsements from the rest of the ballot;

1201 [(f)] (c) immediately below the horizontal rules, an "Instructions to Voters" section is
 1202 printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the
 1203 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
 1204 office." followed by two one-point parallel rules;

1205 [(e)] (d) after the rules, the designation of the office for which the candidates seek
 1206 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
 1207 for up to _____ (the number of candidates for which the voter may vote)" are printed to extend
 1208 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

1209 [(f)] (e) after the hair-line rule, the names of the candidates are printed in heavy face
 1210 type between lines or rules three-eighths inch apart, in the order specified under Section
 1211 [20A-6-305](#) with surnames last and grouped according to the office that they seek;

1212 [(g)] (f) a square with sides not less than one-fourth inch long is printed immediately
 1213 adjacent to the names of the candidates; and

1214 [(h)] (g) the candidate groups are separated from each other by one light and one heavy
 1215 line or rule.

1216 (2) A municipal primary ballot may not contain any space for write-in votes.

1217 Section 19. Section **20A-6-401.1** is amended to read:

1218 **20A-6-401.1. Ballots for partisan municipal primary elections.**

1219 (1) If a municipality is using paper ballots, each election officer shall ensure that:

1220 (a) all paper ballots furnished for use at the regular primary election:

1221 (i) ~~[are perforated to]~~ separate the candidates of one political party from those of the

1222 other political parties ~~[so that the voter may separate the part of the ballot containing the names~~

1223 ~~of the political party of the voter's choice from the rest of the ballot]; and~~

1224 ~~[(ii) have sides that are perforated so that the outside sections of the ballot, when~~

1225 ~~detached, are similar in appearance to the inside sections of the ballot when detached; and]~~

1226 ~~[(iii)]~~ (ii) contain no captions or other endorsements except as provided in this section;

1227 (b) the names of all candidates from each party are listed on the same ballot in one or

1228 more columns under their party name and emblem;

1229 (c) the political parties are printed on the ballot in the order specified under Section

1230 [20A-6-305](#);

1231 ~~[(d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the~~

1232 ~~top of the ballot;]~~

1233 ~~[(ii) the ballot number and the words "Poll Worker's Initials ____" are printed on the~~

1234 ~~stub; and]~~

1235 ~~[(iii) ballot stubs are numbered consecutively;]~~

1236 ~~[(e) immediately below the perforated ballot stub;]~~

1237 (d) the following endorsements are printed in 18-point bold type:

1238 (i) "Official Primary Ballot for ____ (name of municipality), Utah";

1239 (ii) the date of the election; and

1240 (iii) a facsimile of the signature of the municipal clerk or recorder and the words "

1241 municipal clerk" or "municipal recorder";

1242 ~~[(f)]~~ (e) after the facsimile signature, the political party emblem and the name of the

1243 political party are printed;

1244 ~~(g)~~ (f) after the party name and emblem, the ballot contains the following printed in
1245 not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a
1246 candidate, place a cross (X) in the square immediately adjacent to the name of the person for
1247 whom you wish to vote and in no other place. Do not vote for any candidate listed under more
1248 than one party or group designation.", followed by two one-point parallel horizontal rules;

1249 ~~(h)~~ (g) after the rules, the designation of the office for which the candidates seek
1250 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
1251 for up to _____ (the number of candidates for which the voter may vote)" are printed to extend
1252 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

1253 ~~(i)~~ (h) after the hair-line rule, the names of the candidates are printed in heavy face
1254 type between lines or rules three-eighths inch apart, in the order specified under Section
1255 [20A-6-305](#) with surnames last and grouped according to the office that they seek;

1256 ~~(j)~~ (i) a square with sides not less than one-fourth inch long is printed immediately
1257 adjacent to the names of the candidates;

1258 ~~(k)~~ (j) the candidate groups are separated from each other by one light and one heavy
1259 line or rule; and

1260 ~~(l)~~ (k) the nonpartisan candidates are listed as follows:

1261 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"
1262 is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of
1263 the party listing above; and

1264 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
1265 candidate's name, the voting square, and any other necessary information is printed in the same
1266 style and manner as for party candidates.

1267 (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer
1268 may require that:

1269 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary
1270 election consist of several groups of pages or display screens, so that a separate group can be

1271 used to list the names of candidates seeking nomination of each qualified political party, with
1272 additional groups used to list candidates for other nonpartisan offices;

1273 (ii) the separate groups of pages or display screens are identified by color or other
1274 suitable means; and

1275 (iii) the ballot or ballot label contain instructions that direct the voter how to vote the
1276 ballot.

1277 (b) If a municipality is using ballot sheets or electronic ballots, each election officer
1278 shall:

1279 (i) for municipalities using punch card ballots, ensure that the ballot label provides a
1280 means for the voter to designate the political party in whose primary the voter is voting; and

1281 (ii) determine the order for printing the names of the political parties on the ballot label
1282 in accordance with Section [20A-6-305](#).

1283 Section 20. Section **20A-6-402** is amended to read:

1284 **20A-6-402. Ballots for municipal general elections.**

1285 (1) When using a paper ballot at municipal general elections, each election officer shall
1286 ensure that:

1287 (a) the names of the two candidates who received the highest number of votes for
1288 mayor in the municipal primary are placed upon the ballot;

1289 (b) if no municipal primary election was held, the names of the candidates who filed
1290 declarations of candidacy for municipal offices are placed upon the ballot;

1291 (c) for other offices:

1292 (i) twice the number of candidates as there are positions to be filled are certified as
1293 eligible for election in the municipal general election from those candidates who received the
1294 greater number of votes in the primary election; and

1295 (ii) the names of those candidates are placed upon the municipal general election
1296 ballot;

1297 (d) the names of the candidates are placed on the ballot in the order specified under

1298 Section 20A-6-305;

1299 (e) in an election in which a voter is authorized to cast a write-in vote and where a
1300 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the
1301 ballot that contains, for each office in which there is a qualified write-in candidate:

1302 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

1303 (ii) a square or other conforming area that is adjacent to or opposite the blank
1304 horizontal line to enable the voter to indicate the voter's vote;

1305 (f) ballot propositions that have qualified for the ballot, including propositions
1306 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
1307 listed on the ballot in accordance with Section 20A-6-107; and

1308 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
1309 title assigned to each bond proposition under Section 11-14-206.

1310 (2) When using a punch card ballot at municipal general elections, each election officer
1311 shall ensure that:

1312 [~~(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across~~
1313 ~~the top of the ballot;~~]

1314 [~~(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the~~
1315 ~~stub; and]~~

1316 [~~(iii) ballot stubs are numbered consecutively;~~]

1317 [~~(b) immediately below the perforated ballot stub;~~]

1318 (a) the following endorsements are printed in 18 point bold type:

1319 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1320 (ii) the date of the election; and

1321 (iii) a facsimile of the signature of the election officer and the election officer's title in
1322 eight-point type;

1323 [(e)] (b) immediately below the election officer's title, two one-point parallel horizontal
1324 rules separate endorsements from the rest of the ballot;

1325 ~~[(d)]~~ (c) immediately below the horizontal rules, an "Instructions to Voters" section is
1326 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the
1327 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
1328 office." followed by two one-point parallel rules;

1329 ~~[(e)]~~ (d) after the rules, the designation of the office for which the candidates seek
1330 election is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for
1331 up to _____ (the number of candidates for which the voter may vote)" are printed to extend to
1332 the extreme right of the column in 10-point bold type, followed by a hair-line rule;

1333 ~~[(f)]~~ (e) after the hair-line rule, the names of the candidates are printed in heavy face
1334 type between lines or rules three-eighths inch apart, in the order specified under Section
1335 [20A-6-305](#) with surnames last and grouped according to the office that they seek;

1336 ~~[(g)]~~ (f) a square with sides not less than one-fourth inch long is printed immediately
1337 adjacent to the names of the candidates;

1338 ~~[(h)]~~ (g) following the name of the last candidate for each office in which a write-in
1339 candidate is qualified under Section [20A-9-601](#), the ballot contains:

1340 (i) a write-in space for each elective office in which a write-in candidate is qualified
1341 where the voter may enter the name of a valid write-in candidate; and

1342 (ii) a square printed immediately adjacent to the write-in space or line where the voter
1343 may vote for a valid write-in candidate; and

1344 ~~[(i)]~~ (h) the candidate groups are separated from each other by one light and one heavy
1345 line or rule.

1346 (3) When using a ballot sheet other than a punch card ballot at municipal general
1347 elections, each election officer shall ensure that:

1348 ~~[(a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;]~~

1349 ~~[(ii) the ballot number and the words "Poll Worker's Initial _____" are printed on the
1350 stub; and]~~

1351 ~~[(iii) ballot stubs are numbered consecutively;]~~

- 1352 ~~[(b) immediately below the perforated ballot stub,]~~
- 1353 (a) the following endorsements are printed:
- 1354 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
- 1355 (ii) the date of the election; and
- 1356 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 1357 ~~[(c)]~~ (b) immediately below the election officer's title, a distinct border or line separates
- 1358 endorsements from the rest of the ballot;
- 1359 ~~[(d)]~~ (c) immediately below the border or line, an "Instructions to Voters" section is
- 1360 printed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
- 1361 candidate(s) for each respective office." followed by another border or line;
- 1362 ~~[(e)]~~ (d) after the border or line, the designation of the office for which the candidates
- 1363 seek election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
- 1364 candidates for which the voter may vote)" are printed, followed by a line or border;
- 1365 ~~[(f)]~~ (e) after the line or border, the names of the candidates are printed in the order
- 1366 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
- 1367 they seek;
- 1368 ~~[(g)]~~ (f) an oval is printed adjacent to the names of the candidates;
- 1369 ~~[(h)]~~ (g) following the name of the last candidate for each office in which a write-in
- 1370 candidate is qualified under Section [20A-9-601](#), the ballot contains:
- 1371 (i) a write-in space or blank line for each elective office in which a write-in candidate
- 1372 is qualified where the voter may enter the name of a valid write-in candidate; and
- 1373 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a
- 1374 valid write-in candidate; and
- 1375 ~~[(i)]~~ (h) the candidate groups are separated from each other by a line or border.
- 1376 (4) When using an electronic ballot at municipal general elections, each election officer
- 1377 shall ensure that:
- 1378 (a) the following endorsements are displayed on the first screen of the ballot:

- 1379 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
1380 (ii) the date of the election; and
1381 (iii) a facsimile of the signature of the election officer and the election officer's title;
1382 (b) immediately below the election officer's title, a distinct border or line separates the
1383 endorsements from the rest of the ballot;
1384 (c) immediately below the border or line, an "Instructions to Voters" section is
1385 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
1386 the candidate(s) for each respective office." followed by another border or line;
1387 (d) after the border or line, the designation of the office for which the candidates seek
1388 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
1389 candidates for which the voter may vote)" are displayed, followed by a line or border;
1390 (e) after the line or border, the names of the candidates are displayed in the order
1391 specified under Section 20A-6-305 with surnames last and grouped according to the office that
1392 they seek;
1393 (f) a voting square or position is located adjacent to the name of each candidate;
1394 (g) following the name of the last candidate for each office in which a write-in
1395 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
1396 voter may enter the name of and vote for a valid write-in candidate for the office; and
1397 (h) the candidate groups are separated from each other by a line or border.
1398 (5) When a municipality has chosen to nominate candidates by convention or
1399 committee, the election officer shall ensure that the party name is included with the candidate's
1400 name on the ballot.

1401 Section 21. Section 20A-9-404 is amended to read:

1402 **20A-9-404. Municipal primary elections.**

1403 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
1404 all municipalities shall be nominated at a municipal primary election.

1405 (b) Municipal primary elections shall be held:

1406 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1407 Monday in the August before the regular municipal election; and

1408 (ii) whenever possible, at the same polling places as the regular municipal election.

1409 (2) If the number of candidates for a particular municipal office does not exceed twice
1410 the number of individuals needed to fill that office, a primary election for that office may not
1411 be held and the candidates are considered nominated.

1412 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1413 of voters or delegates.

1414 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1415 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1416 by providing that the nomination of candidates for municipal office to be voted upon at a
1417 municipal election be nominated by a political party convention or committee.

1418 (ii) Any primary election exemption ordinance adopted under the authority of this
1419 Subsection (3) remains in effect until repealed by ordinance.

1420 (c) (i) A convention or committee may not nominate:

1421 (A) an individual who has not submitted a declaration of candidacy, or has not been
1422 nominated by a nomination petition, under Section 20A-9-203; or

1423 (B) more than one group of candidates, or have placed on the ballot more than one
1424 group of candidates, for the municipal offices to be voted upon at the municipal election.

1425 (ii) A convention or committee may nominate an individual who has been nominated
1426 by a different convention or committee.

1427 (iii) A political party may not have more than one group of candidates placed upon the
1428 ballot and may not group the same candidates on different tickets by the same party under a
1429 different name or emblem.

1430 (d) (i) The convention or committee shall prepare a certificate of nomination for each
1431 individual nominated.

1432 (ii) The certificate of nomination shall:

1433 (A) contain the name of the office for which each individual is nominated, the name,
1434 post office address, and, if in a city, the street number of residence and place of business, if
1435 any, of each individual nominated;

1436 (B) designate in not more than five words the political party that the convention or
1437 committee represents;

1438 (C) contain a copy of the resolution passed at the convention that authorized the
1439 committee to make the nomination;

1440 (D) contain a statement certifying that the name of the candidate nominated by the
1441 political party will not appear on the ballot as a candidate for any other political party;

1442 (E) be signed by the presiding officer and secretary of the convention or committee;
1443 and

1444 (F) contain a statement identifying the residence and post office address of the
1445 presiding officer and secretary and certifying that the presiding officer and secretary were
1446 officers of the convention or committee and that the certificates are true to the best of their
1447 knowledge and belief.

1448 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
1449 before the municipal general election.

1450 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1451 may also make nominations or fill vacancies in nominations made at a convention.

1452 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1453 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1454 be included with the candidate's name.

1455 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
1456 that falls before the regular municipal election that:

1457 (i) exempts the city from the other methods of nominating candidates to municipal
1458 office provided in this section; and

1459 (ii) provides for a partisan primary election method of nominating candidates as

1460 provided in this Subsection (4).

1461 (b) (i) Any party that was a registered political party at the last regular general election
1462 or regular municipal election is a municipal political party under this section.

1463 (ii) Any political party may qualify as a municipal political party by presenting a
1464 petition to the city recorder that:

1465 (A) is signed, with a holographic signature, by registered voters within the municipality
1466 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1467 municipal election at which a mayor was elected;

1468 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1469 (C) is substantially similar to the form of the signature sheets described in Section
1470 20A-7-303; and

1471 (D) contains the name of the municipal political party using not more than five words.

1472 (c) (i) If the number of candidates for a particular office does not exceed twice the
1473 number of offices to be filled at the regular municipal election, no partisan primary election for
1474 that office shall be held and the candidates are considered to be nominated.

1475 (ii) If the number of candidates for a particular office exceeds twice the number of
1476 offices to be filled at the regular municipal election, those candidates for municipal office shall
1477 be nominated at a partisan primary election.

1478 (d) The clerk shall ensure that:

1479 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1480 Sections 20A-6-401 and 20A-6-401.1;

1481 (ii) the candidates for each municipal political party are listed in one or more columns
1482 under their party name and emblem;

1483 (iii) the names of candidates of all parties are printed on the same ballot, but under
1484 their party designation; and

1485 (iv) every ballot [~~is folded and perforated in a manner that~~] separates the candidates of
1486 one party from those of the other parties [~~and enables the voter to separate the part of the ballot~~]

1487 ~~containing the names of the party of the voter's choice from the remainder of the ballot; and].~~

1488 ~~[(v) the side edges of all ballots are perforated so that the outside sections of the~~
1489 ~~ballots, when detached, are similar in appearance to inside sections when detached.]~~

1490 (e) After marking a municipal primary ballot, the voter shall~~[:]~~ deposit the ballot in the
1491 blank ballot box.

1492 ~~[(i) detach the part of the ballot containing the names of the candidates of the party the~~
1493 ~~voter has voted from the rest of the ballot;]~~

1494 ~~[(ii) fold the detached part so that its face is concealed and deposit it in the ballot box;~~
1495 ~~and]~~

1496 ~~[(iii) fold the remainder of the ballot containing the names of the candidates of the~~
1497 ~~parties for whom the elector did not vote and deposit it in the blank ballot box.]~~

1498 (f) Immediately after the canvass, the election judges shall, without examination,
1499 destroy the tickets deposited in the blank ballot box.

1500 Section 22. Section **20A-9-406** is amended to read:

1501 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1502 The following provisions apply to a qualified political party:

1503 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each
1504 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
1505 political parties whose members may vote for the qualified political party's candidates and
1506 whether unaffiliated voters may vote for the qualified political party's candidates;

1507 (2) the provisions of Subsections **20A-9-403**(1) through (4)(a), Subsection
1508 **20A-9-403**(5)(c), and Section **20A-9-405** do not apply to a nomination for the qualified
1509 political party;

1510 (3) an individual may only seek the nomination of the qualified political party by using
1511 a method described in Section **20A-9-407**, Section **20A-9-408**, or both;

1512 (4) the qualified political party shall comply with the provisions of Sections
1513 **20A-9-407**, **20A-9-408**, and **20A-9-409**;

1514 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)~~(g)~~(f), or (2)(a), each election
1515 officer shall ensure that a ballot described in Section 20A-6-301 includes each individual
1516 nominated by a qualified political party:

1517 (a) under the qualified political party's name, if any; or

1518 (b) under the title of the qualified registered political party as designated by the
1519 qualified political party in the certification described in Subsection (1), or, if none is
1520 designated, then under some suitable title;

1521 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
1522 paper ballots in regular general elections, that each candidate who is nominated by the qualified
1523 political party is listed by party;

1524 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
1525 the party designation of each candidate who is nominated by the qualified political party is
1526 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

1527 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
1528 the party designation of each candidate who is nominated by the qualified political party is
1529 displayed adjacent to the candidate's name on an electronic ballot;

1530 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
1531 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1532 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1533 multicounty office, or county office;

1534 (10) an individual who is nominated by, or seeking the nomination of, the qualified
1535 political party is not required to comply with Subsection 20A-9-201(1)(c);

1536 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1537 to have each of the qualified political party's candidates for elective office appear on the
1538 primary ballot of the qualified political party with an indication that each candidate is a
1539 candidate for the qualified political party;

1540 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include

1541 on the list provided by the lieutenant governor to the county clerks:

1542 (a) the names of all candidates of the qualified political party for federal, constitutional,
1543 multicounty, and county offices; and

1544 (b) the names of unopposed candidates for elective office who have been nominated by
1545 the qualified political party and instruct the county clerks to exclude such candidates from the
1546 primary-election ballot;

1547 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
1548 elective office in the regular primary election of the qualified political party is nominated by
1549 the party for that office without appearing on the primary ballot; and

1550 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
1551 20A-9-405, the qualified political party is entitled to have the names of its candidates for
1552 elective office featured with party affiliation on the ballot at a regular general election.

1553 Section 23. **Repealer.**

1554 This bill repeals:

1555 Section 20A-15-105, **Poll watchers.**

1556 Section 24. **Coordinating S.B. 94 with H.B. 141 -- Superseding substantive and**
1557 **technical amendments.**

1558 If this S.B. 94 and H.B. 141, Early Voting Amendments, both pass and become law, it
1559 is the intent of the Legislature that, when the Office of Legislative Research and General
1560 Counsel prepares the Utah Code database for publication:

1561 (1) the amendments to Subsection 20A-3-202(2)(a) in S.B. 94 supersede the
1562 amendments to Subsection 20A-3-202(2)(a) in H.B. 141;

1563 (2) the amendments to Subsection 20A-3-202.3(1)(a) in S.B. 94 supersede the
1564 amendments to Subsection 20A-3-202.3(1)(a) in H.B. 141; and

1565 (3) the amendments to Subsection 20A-3-202.3(4)(a) in S.B. 94 supersede the
1566 amendments to Subsection 20A-3-202.3(4)(a) in H.B. 141.