

1 **ELECTION REVISIONS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Robert M. Spendlove**

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

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7 **LONG TITLE**

8 **General Description:**

9 This bill removes the name of a county clerk from the caption on a ballot and prohibits  
10 a polling place from bearing the name of a candidate or a candidate's immediate family  
11 member.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ removes the name of a county clerk from the caption on a ballot;
- 15 ▶ prohibits a polling place from bearing the name of a candidate or a candidate's  
16 immediate family member; and
- 17 ▶ makes technical corrections.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391

25 **20A-5-403**, as last amended by Laws of Utah 2011, Chapter 297

26 **20A-5-406**, as last amended by Laws of Utah 2006, Chapter 326

27 **20A-6-301**, as last amended by Laws of Utah 2014, Chapters 17 and 169



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

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

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

As used in this title:

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

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

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

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

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

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

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

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

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

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

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

(6) "Ballot sheet":

(a) means a ballot that:

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

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

- 59 (b) includes punch card ballots and other ballots that are machine-countable.
- 60 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
61 together with a staple or stitch in at least three places across the top of the paper in the blank  
62 space reserved for securing the paper.
- 63 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
64 [20A-4-306](#) to canvass election returns.
- 65 (9) "Bond election" means an election held for the purpose of approving or rejecting  
66 the proposed issuance of bonds by a government entity.
- 67 (10) "Book voter registration form" means voter registration forms contained in a  
68 bound book that are used by election officers and registration agents to register persons to vote.
- 69 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
70 charge by the sender.
- 71 (12) "By-mail voter registration form" means a voter registration form designed to be  
72 completed by the voter and mailed to the election officer.
- 73 (13) "Canvass" means the review of election returns and the official declaration of  
74 election results by the board of canvassers.
- 75 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
76 the canvass.
- 77 (15) "Contracting election officer" means an election officer who enters into a contract  
78 or interlocal agreement with a provider election officer.
- 79 (16) "Convention" means the political party convention at which party officers and  
80 delegates are selected.
- 81 (17) "Counting center" means one or more locations selected by the election officer in  
82 charge of the election for the automatic counting of ballots.
- 83 (18) "Counting judge" means a poll worker designated to count the ballots during  
84 election day.
- 85 (19) "Counting poll watcher" means a person selected as provided in Section  
86 [20A-3-201](#) to witness the counting of ballots.
- 87 (20) "Counting room" means a suitable and convenient private place or room,  
88 immediately adjoining the place where the election is being held, for use by the poll workers  
89 and counting judges to count ballots during election day.

90 (21) "County officers" means those county officers that are required by law to be  
91 elected.

92 (22) "Date of the election" or "election day" or "day of the election":

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

95 (b) does not include:

96 (i) deadlines established for absentee voting; or

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

99 (23) "Elected official" means:

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

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

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

105 (24) "Election" means a regular general election, a municipal general election, a  
106 statewide special election, a local special election, a regular primary election, a municipal  
107 primary election, and a local district election.

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

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

112 (27) "Election judge" means a poll worker that is assigned to:

113 (a) preside over other poll workers at a polling place;

114 (b) act as the presiding election judge; or

115 (c) serve as a canvassing judge, counting judge, or receiving judge.

116 (28) "Election officer" means:

117 (a) the lieutenant governor, for all statewide ballots and elections;

118 (b) the county clerk for:

119 (i) a county ballot and election; and

120 (ii) a ballot and election as a provider election officer as provided in Section

121 20A-5-400.1 or 20A-5-400.5;

122 (c) the municipal clerk for:

123 (i) a municipal ballot and election; and

124 (ii) a ballot and election as a provider election officer as provided in Section

125 20A-5-400.1 or 20A-5-400.5;

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

127 (i) a local district ballot and election; and

128 (ii) a ballot and election as a provider election officer as provided in Section

129 20A-5-400.1 or 20A-5-400.5; or

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

131 (i) a school district ballot and election; and

132 (ii) a ballot and election as a provider election officer as provided in Section

133 20A-5-400.1 or 20A-5-400.5.

134 (29) "Election official" means any election officer, election judge, or poll worker.

135 (30) "Election results" means:

136 (a) for an election other than a bond election, the count of votes cast in the election and

137 the election returns requested by the board of canvassers; or

138 (b) for bond elections, the count of those votes cast for and against the bond

139 proposition plus any or all of the election returns that the board of canvassers may request.

140 (31) "Election returns" includes the pollbook, the military and overseas absentee voter

141 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all

142 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition

143 form, and the total votes cast form.

144 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting

145 device or other voting device that records and stores ballot information by electronic means.

146 (33) "Electronic signature" means an electronic sound, symbol, or process attached to

147 or logically associated with a record and executed or adopted by a person with the intent to sign

148 the record.

149 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

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

151 (35) "Inactive voter" means a registered voter who has:

- 152 (a) been sent the notice required by Section 20A-2-306; and
- 153 (b) failed to respond to that notice.
- 154 (36) "Inspecting poll watcher" means a person selected as provided in this title to
- 155 witness the receipt and safe deposit of voted and counted ballots.
- 156 (37) "Judicial office" means the office filled by any judicial officer.
- 157 (38) "Judicial officer" means any justice or judge of a court of record or any county
- 158 court judge.
- 159 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
- 160 Local Government Entities - Local Districts, and includes a special service district under Title
- 161 17D, Chapter 1, Special Service District Act.
- 162 (40) "Local district officers" means those local district board members that are required
- 163 by law to be elected.
- 164 (41) "Local election" means a regular county election, a regular municipal election, a
- 165 municipal primary election, a local special election, a local district election, and a bond
- 166 election.
- 167 (42) "Local political subdivision" means a county, a municipality, a local district, or a
- 168 local school district.
- 169 (43) "Local special election" means a special election called by the governing body of a
- 170 local political subdivision in which all registered voters of the local political subdivision may
- 171 vote.
- 172 (44) "Municipal executive" means:
- 173 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
- 174 or
- 175 (b) the mayor in the council-manager form of government defined in Subsection
- 176 10-3b-103(6).
- 177 (45) "Municipal general election" means the election held in municipalities and, as
- 178 applicable, local districts on the first Tuesday after the first Monday in November of each
- 179 odd-numbered year for the purposes established in Section 20A-1-202.
- 180 (46) "Municipal legislative body" means the council of the city or town in any form of
- 181 municipal government.
- 182 (47) "Municipal office" means an elective office in a municipality.

183 (48) "Municipal officers" means those municipal officers that are required by law to be  
184 elected.

185 (49) "Municipal primary election" means an election held to nominate candidates for  
186 municipal office.

187 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
188 workers to be given to voters to record their votes.

189 (51) "Official endorsement" means:

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

191 (i) the ballot as an official ballot;

192 (ii) the date of the election; and

193 (iii) (A) for a ballot prepared by a municipal clerk or recorder, the facsimile signature  
194 [of the election officer; and] required by Subsection 20A-6-401(1)(b)(iii); or

195 (B) for a ballot prepared by a county clerk, the words required by Subsection  
196 20A-6-301(1)(c)(iii); and

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

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

199 (ii) the ballot number.

200 (52) "Official register" means the official record furnished to election officials by the  
201 election officer that contains the information required by Section 20A-5-401.

202 (53) "Paper ballot" means a paper that contains:

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

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

207 (54) "Pilot project" means the election day voter registration pilot project created in  
208 Section 20A-4-108.

209 (55) "Political party" means an organization of registered voters that has qualified to  
210 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
211 and Procedures.

212 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
213 cast votes.

- 214 (57) "Polling place" means the building where voting is conducted.
- 215 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
216 election, voting, or counting votes.
- 217 (b) "Poll worker" includes election judges.
- 218 (c) "Poll worker" does not include a watcher.
- 219 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
220 in which the voter marks the voter's choice.
- 221 (60) "Primary convention" means the political party conventions held during the year  
222 of the regular general election.
- 223 (61) "Protective counter" means a separate counter, which cannot be reset, that:
- 224 (a) is built into a voting machine; and
- 225 (b) records the total number of movements of the operating lever.
- 226 (62) "Provider election officer" means an election officer who enters into a contract or  
227 interlocal agreement with a contracting election officer to conduct an election for the  
228 contracting election officer's local political subdivision in accordance with Section  
229 [20A-5-400.1](#).
- 230 (63) "Provisional ballot" means a ballot voted provisionally by a person:
- 231 (a) whose name is not listed on the official register at the polling place;
- 232 (b) whose legal right to vote is challenged as provided in this title; or
- 233 (c) whose identity was not sufficiently established by a poll worker.
- 234 (64) "Provisional ballot envelope" means an envelope printed in the form required by  
235 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to  
236 verify a person's legal right to vote.
- 237 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the  
238 duties of the position for which the person was elected.
- 239 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
240 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
241 after the voter has voted.
- 242 (67) "Registration form" means a book voter registration form and a by-mail voter  
243 registration form.
- 244 (68) "Regular ballot" means a ballot that is not a provisional ballot.



245 (69) "Regular general election" means the election held throughout the state on the first  
246 Tuesday after the first Monday in November of each even-numbered year for the purposes  
247 established in Section 20A-1-201.

248 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
249 each even-numbered year, to nominate candidates of political parties and candidates for  
250 nonpartisan local school board positions to advance to the regular general election.

251 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

252 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
253 and distributed as provided in Section 20A-5-405.

254 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
255 punch the ballot for one or more candidates who are members of different political parties.

256 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
257 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
258 the voter's vote.

259 (75) "Special election" means an election held as authorized by Section 20A-1-203.

260 (76) "Spoiled ballot" means each ballot that:

261 (a) is spoiled by the voter;

262 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

263 (c) lacks the official endorsement.

264 (77) "Statewide special election" means a special election called by the governor or the  
265 Legislature in which all registered voters in Utah may vote.

266 (78) "Stub" means the detachable part of each ballot.

267 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
268 the poll workers when the official ballots are lost or stolen.

269 (80) "Ticket" means each list of candidates for each political party or for each group of  
270 petitioners.

271 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
272 counting center.

273 (82) "Vacancy" means the absence of a person to serve in any position created by  
274 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
275 or other cause.

- 276 (83) "Valid voter identification" means:
- 277 (a) a form of identification that bears the name and photograph of the voter which may
- 278 include:
- 279 (i) a currently valid Utah driver license;
- 280 (ii) a currently valid identification card that is issued by:
- 281 (A) the state; or
- 282 (B) a branch, department, or agency of the United States;
- 283 (iii) a currently valid Utah permit to carry a concealed weapon;
- 284 (iv) a currently valid United States passport; or
- 285 (v) a currently valid United States military identification card;
- 286 (b) one of the following identification cards, whether or not the card includes a
- 287 photograph of the voter:
- 288 (i) a valid tribal identification card;
- 289 (ii) a Bureau of Indian Affairs card; or
- 290 (iii) a tribal treaty card; or
- 291 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
- 292 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 293 may include:
- 294 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 295 election;
- 296 (ii) a bank or other financial account statement, or a legible copy thereof;
- 297 (iii) a certified birth certificate;
- 298 (iv) a valid Social Security card;
- 299 (v) a check issued by the state or the federal government or a legible copy thereof;
- 300 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 301 (vii) a currently valid Utah hunting or fishing license;
- 302 (viii) certified naturalization documentation;
- 303 (ix) a currently valid license issued by an authorized agency of the United States;
- 304 (x) a certified copy of court records showing the voter's adoption or name change;
- 305 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 306 (xii) a currently valid identification card issued by:

- 307 (A) a local government within the state;
- 308 (B) an employer for an employee; or
- 309 (C) a college, university, technical school, or professional school located within the
- 310 state; or
- 311 (xiii) a current Utah vehicle registration.
- 312 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 313 candidate by following the procedures and requirements of this title.
- 314 (85) "Voter" means a person who:
- 315 (a) meets the requirements for voting in an election;
- 316 (b) meets the requirements of election registration;
- 317 (c) is registered to vote; and
- 318 (d) is listed in the official register book.
- 319 (86) "Voter registration deadline" means the registration deadline provided in Section
- 320 [20A-2-102.5](#).
- 321 (87) "Voting area" means the area within six feet of the voting booths, voting
- 322 machines, and ballot box.
- 323 (88) "Voting booth" means:
- 324 (a) the space or compartment within a polling place that is provided for the preparation
- 325 of ballots, including the voting machine enclosure or curtain; or
- 326 (b) a voting device that is free standing.
- 327 (89) "Voting device" means:
- 328 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 329 piercing the ballots by the voter;
- 330 (b) a device for marking the ballots with ink or another substance;
- 331 (c) an electronic voting device or other device used to make selections and cast a ballot
- 332 electronically, or any component thereof;
- 333 (d) an automated voting system under Section [20A-5-302](#); or
- 334 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 335 by means of automatic tabulating equipment.
- 336 (90) "Voting machine" means a machine designed for the sole purpose of recording
- 337 and tabulating votes cast by voters at an election.

338 (91) "Voting poll watcher" means a person appointed as provided in this title to  
339 witness the distribution of ballots and the voting process.

340 (92) "Voting precinct" means the smallest voting unit established as provided by law  
341 within which qualified voters vote at one polling place.

342 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
343 poll watcher, and a testing watcher.

344 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
345 Part 8, Western States Presidential Primary.

346 (95) "Write-in ballot" means a ballot containing any write-in votes.

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

349 Section 2. Section **20A-5-403** is amended to read:

350 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**  
351 **Arrangements.**

352 (1) Each election officer shall:

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

354 (b) obtain the approval of the county or municipal legislative body or local district  
355 governing board for those polling places.

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

357 (i) an American flag;

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

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

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

363 (v) voter information pamphlets required by Chapter 7, Part 7, Voter Information  
364 Pamphlet;

365 (vi) the instruction cards required by Section [20A-5-102](#); and

366 (vii) a sign, to be prominently displayed in the polling place, indicating that valid voter  
367 identification is required for every voter before the voter may vote and listing the forms of  
368 identification that constitute valid voter identification.

- 369 (b) Each election officer shall ensure that:
- 370 (i) each voting booth is at a convenient height for writing, and is arranged so that the
- 371 voter can prepare the voter's ballot screened from observation;
- 372 (ii) there are a sufficient number of voting booths or voting devices to accommodate
- 373 the voters at that polling place; and
- 374 (iii) there is at least one voting booth or voting device that is configured to
- 375 accommodate persons with disabilities.

376 (c) Each county clerk shall provide a ballot box for each polling place that is large

377 enough to properly receive and hold the ballots to be cast.

378 (3) (a) All polling places shall be physically inspected by each county clerk to ensure

379 access by a person with a disability.

380 (b) Any issues concerning inaccessibility to polling places by a person with a disability

381 discovered during the inspections referred to in Subsection (3)(a) or reported to the county

382 clerk shall be:

- 383 (i) forwarded to the Office of the Lieutenant Governor; and
- 384 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
- 385 either:
- 386 (A) remedied at the particular location by the county clerk;
- 387 (B) the county clerk shall designate an alternative accessible location for the particular
- 388 precinct; or
- 389 (C) if no practical solution can be identified, file with the Office of the Lieutenant
- 390 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

391 (4) An election officer may not designate as a polling place a building that is named

392 after a candidate or an immediate family member of a candidate if that candidate's name

393 appears on a ballot that will be used in the polling place.

394 [~~4~~] (5) (a) The municipality in which the election is held shall pay the cost of

395 conducting each municipal election, including the cost of printing and supplies.

396 (b) (i) Costs assessed by a county clerk to a municipality under this section may not

397 exceed the actual costs incurred by the county clerk.

398 (ii) The actual costs shall include:

399 (A) costs of or rental fees associated with the use of election equipment and supplies;

400 and

401 (B) reasonable and necessary administrative costs.

402 [~~(5)~~] (6) The county clerk shall make detailed entries of all proceedings had under this  
403 chapter.

404 Section 3. Section **20A-5-406** is amended to read:

405 **20A-5-406. Delivery of ballots.**

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

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

409 (b) The election officer shall:

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

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

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

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

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

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

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

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

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

423 (d) The election officer shall:

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

426 (ii) cause the word "substitute" to be printed in brackets;

427 (A) for a ballot prepared by a municipal clerk or recorder, immediately under the  
428 facsimile signature [of the clerk or recorder preparing the ballots;] required by Subsection

429 20A-6-401(1)(b)(iii); or

430 (B) for a ballot prepared by a county clerk, immediately under the words required by

431 Subsection 20A-6-301(1)(c)(iii):

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

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

437 (2) In elections using electronic ballots:

438 (a) Each election officer shall:

439 (i) deliver the voting devices and electronic ballots prior to the commencement of  
440 voting;

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

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

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

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

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

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

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

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

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

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

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

462 Section 4. Section **20A-6-301** is amended to read:

463 **20A-6-301. Paper ballots -- Regular general election.**

464 (1) Each election officer shall ensure that:

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

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

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

470 (iii) no indication that a candidate for elective office has been nominated by, or has  
471 been endorsed by, or is in any way affiliated with a political party or group, unless the  
472 candidate has been nominated by a registered political party in accordance with Subsection  
473 **20A-9-202(4)** or Subsection **20A-9-403(5)**.

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

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

478 (iii) ballot stubs are numbered consecutively;

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

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

482 (ii) the date of the election; and

483 (iii) [~~a facsimile of the signature of the county clerk and~~] the words ["county clerk"]  
484 "Clerk of \_\_\_\_\_ County";

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

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

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

492 (g) unaffiliated candidates, candidates not affiliated with a registered political party,



493 and all other candidates for elective office who were not nominated by a registered political  
494 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed in  
495 one column in the order specified under Section 20A-6-305, without a party circle, with the  
496 following instructions printed at the head of the column: "All candidates not affiliated with a  
497 political party are listed below. They are to be considered with all offices and candidates listed  
498 to the left. Only one vote is allowed for each office.";

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

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

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

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

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

511 (m) in an election in which a voter is authorized to cast a write-in vote and where a  
512 write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the  
513 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as  
514 many written names of candidates as there are persons to be elected with:

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

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

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

524 blank horizontal lines; and

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

527 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent  
528 to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated  
529 ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running  
530 vertically the full length of the nonpartisan ballot copy; and

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

533 (2) Each election officer shall ensure that:

534 (a) each person nominated by any registered political party under Subsection  
535 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

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

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

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

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

543 (d) the ballots contain no other names.

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

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

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

549 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for  
550 which the voter may vote)" extend to the extreme right of the column;

551 (d) the nonpartisan candidates are grouped according to the office for which they are  
552 candidates;

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

555 (f) each group is preceded by the designation of the office for which the candidates  
556 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
557 candidates for which the voter may vote)," according to the number to be elected.

558 (4) Each election officer shall ensure that:

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

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

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

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**Legislative Review Note**  
as of 1-6-15 1:41 PM

**Office of Legislative Research and General Counsel**