



CHAPTER 6 MUNICIPAL ELECTIONS

Each county election office should provide municipalities in that county with the latest edition of Utah Election Laws each year. The entire Utah State Code can be found on-line at:

- <http://www.livepublish.le.state.ut.us/lpBin22/lpext.dll?f=templates&fn=main-j.htm&vid=98&2.0>
- LexisNexis ‘Utah Election Laws’ publication prepared under the direction of the Lieutenant Governor. Some primary sections are provided herein and noted with page numbers.

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(Chapter 6: Amended May 2004)

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1. ELECTION CODE DEFINITIONS

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 cards and tabulates the results.
- (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.
- (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.
- (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.
- (6) "Ballot proposition" means opinion questions specifically authorized by the Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that are submitted to the voters for their approval or rejection.
- (7) "Board of canvassers" means the entities established by Sections **20A-4-301** and **20A-4-306** to canvass election returns.
- (8) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.
- (9) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.
- (10) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.
- (11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.
- (12) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.
- (13) "Convention" means the political party convention at which party officers and delegates are selected.
- (14) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- (15) "Counting judge" means a judge designated to count the ballots during election day.
- (16) "Counting poll watcher" means a person selected as provided in Section **20A-3-201** to witness the counting of ballots.
- (17) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the counting judges to count ballots during election day.
- (18) "County executive" has the meaning as provided in Subsection **68-3-12(2)**.
- (19) "County legislative body" has the meaning as provided in Subsection **68-3-12(2)**.
- (20) "County officers" means those county officers that are required by law to be elected.
- (21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.
- (22) "Election Assistance Commission" means the commission established by Public Law 107-252, the Help America Vote Act of 2002.
- (23) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.
- (24) "Election judge" means each canvassing judge, counting judge, and receiving judge.
- (25) "Election officer" means:
 - (a) the lieutenant governor, for all statewide ballots;
 - (b) the county clerk or clerks for all county ballots and for certain ballots and elections as provided in Section **20A-5-400.5**;

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

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

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

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

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

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

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

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

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

(32) "Judicial office" means the office filled by any judicial officer.

(33) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(34) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.

(35) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

(36) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(37) "Municipal executive" means:

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

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

(c) the manager in the council-manager optional form of government defined in Section

10-3-101.

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

(39) "Municipal legislative body" means:

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

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

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

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

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

(42) "Official ballot" means the ballots distributed by the election officer to the election judges to be given to voters to record their votes.

(43) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

- (i) the election judge's initials; and
- (ii) the ballot number.
- (44) "Official register" means the book furnished election officials by the election officer that contains the information required by Section **20A-5-401**.
- (45) "Paper ballot" means a paper that contains:
 - (a) the names of offices and candidates and statements of ballot propositions to be voted on; and
 - (b) spaces for the voter to record his vote for each office and for or against each ballot proposition.
- (46) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures.
- (47) "Polling place" means the building where residents of a voting precinct vote or where absentee voting is conducted.
- (48) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.
- (49) "Posting list" means a list of registered voters within a voting precinct.
- (50) "Proof of identity" means some form of photo identification, such as a driver license or identification card, that establishes a person's identity.
- (51) "Proof of residence" means some official document or form, such as a driver license or utility bill that establishes a person's residence.
- (52) "Provisional ballot" means a ballot voted provisionally by a person:
 - (a) whose name is not listed on the official register at the polling place; or
 - (b) whose legal right to vote is challenged as provided in this title.
- (53) "Provisional ballot envelope" means an envelope printed in the form required by Section **20A-6-105** that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.
- (54) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.
- (55) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.
- (56) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.
- (57) "Receiving judge" means the election judge that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.
- (58) "Registration days" means the days designated in Section **20A-2-203** when a voter may register to vote with a satellite registrar.
- (59) "Registration form" means a book voter registration form and a by-mail voter registration form.
- (60) "Regular ballot" means a ballot that is not a provisional ballot.
- (61) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section **20A-1-201**.
- (62) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.
- (63) "Resident" means a person who resides within a specific voting precinct in Utah.
- (64) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section **20A-5-405**.
- (65) "Satellite registrar" means a person appointed under Section **20A-5-201** to register voters and perform other duties.
- (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.
- (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's vote.
- (68) "Special district" means those local government entities created under the authority of Title 17A.
- (69) "Special district officers" means those special district officers that are required by law to be elected.
- (70) "Special election" means an election held as authorized by Section **20A-1-204**.

(71) "Spoiled ballot" means each ballot that:

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or the election judge; or
- (c) lacks the official endorsement.

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

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

(74) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.

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

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

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

(78) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(79) "Voter" means a person who meets the requirements for voting in an election, meets the requirements of election registration, is registered to vote, and is listed in the official register book.

(80) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(81) "Voting booth" means the space or compartment within a polling place that is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

(82) "Voting device" means:

- (a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;
- (b) a device for marking the ballots with ink or another substance; or
- (c) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

(83) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

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

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

(86) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting poll watcher.

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

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

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

Amended by Chapter 127, 2003 General Session

Amended by Chapter 117, 2003 General Session

Amended by Chapter 105, 2005 General Session

2. CLASSIFICATION OF CITIES ACCORDING TO POPULATION

10-2-301. Classification of municipalities according to population.

- (1) Each municipality shall be classified according to its population, as provided in this section.
- (2) (a) A municipality with a population of 100,000 or more is a city of the first class.
- (b) A municipality with a population of 65,000 or more but less than 100,000 is a city of the second class.
- (c) A municipality with a population of 30,000 or more but less than 65,000 is a city of the third class.
- (d) A municipality with a population of 10,000 or more but less than 30,000 is a city of the fourth class.
- (e) A municipality with a population of 1,000 or more but less than 10,000 is a city of the fifth class.
- (f) A municipality with a population under 1,000 is a town.

Amended by Chapter 292, 2003 General Session

3. ELECTION OF GOVERNING BODY

10-3-201. Municipal election -- Terms of office.

(1) On the Tuesday after the first Monday in November, 1977, and biennially thereafter, an election shall be held in all municipalities to fill all elective offices vacated by 12 o'clock noon on the first Monday in the January following the election. The officers elected shall continue in the office to which they were elected for four years except in case of death, resignation, removal or disqualification from office.

(2) The officers so elected shall begin their term of office at 12 o'clock noon on the first Monday in January following their election.

Enacted by Chapter 48, 1977 General Session

10-3-202. Terms of elected municipal officers.

Each elected officer of a municipality shall hold office for the term for which he is elected and until his successor is chosen and qualified, unless the office becomes vacant under Section **10-3-301**.

Amended by Chapter 32, 1990 General Session

10-3-203. Election of officers in cities of the first class.

In cities of the first class, the election and terms of office of the officers shall be as follows:

(1) The offices of mayor and two commissioners shall be filled in municipal elections held in 1979. The terms shall be for four years. The offices shall be filled every four years thereafter in municipal elections.

(2) The offices of the other two commissioners and the city auditor shall be filled at a municipal election held in 1977. The terms shall be for four years. These offices shall be filled every four years thereafter in municipal elections.

Amended by Chapter 278, 1997 General Session

10-3-204. Election of officers in cities of the second class.

In cities of the second class the election and terms of office of the officers shall be as follows:

(1) The offices of mayor and one commissioner shall be filled in a municipal election held in 1977. The terms shall be for four years. The offices shall be filled every four years thereafter in municipal elections.

(2) The offices of the other commissioner and the city auditor shall be filled in municipal elections held in 1979. The terms shall be for four years. These offices shall be filled in municipal elections held every four years.

Amended by Chapter 278, 1997 General Session

10-3-205. Election of officers in cities of the third, fourth, and fifth class.

In each city of the third, fourth, or fifth class, the election and terms of office shall be as follows:

(1) The offices of mayor and two council members shall be filled in municipal elections held in 1977. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

(2) The offices of the other three council members shall be filled in a municipal election held in 1979. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

Amended by Chapter 292, 2003 General Session

10-3-205.5. At-large election of officers -- Election of commissioners or council members.

(1) Except as provided in Subsection (2), the officers of each city shall be elected in an at-large election held at the time and in the manner provided for electing municipal officers.

(2) (a) Notwithstanding Subsection (1), the governing body of a city may by ordinance provide for the election of some or all commissioners or council members, as the case may be, by district equal in number to the number of commissioners or council members elected by district.

(b) (i) Each district shall be of substantially equal population as the other districts.

(ii) Within six months after the Legislature completes its redistricting process, the governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make any adjustments in the boundaries of the districts as may be required to maintain districts of substantially equal population.

Amended by Chapter 292, 2003 General Session

10-3-206. Election of officers in towns.

In towns, the election and terms of office of the officers shall be as follows:

(1) The offices of mayor and two councilmen shall be filled in municipal elections held in 1977. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

(2) The offices of the other two councilmen shall be filled in a municipal election held in 1979. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

(3) The offices shall be filled in at-large elections which shall be held at the time and in the manner provided for electing municipal officers.

Enacted by Chapter 48, 1977 General Session

4. ELECTIONS – GENERAL AND SPECIAL

20A-1-201.5. Primary election dates.

(1) A municipal primary election shall be held, if necessary, on the Tuesday following the first Monday in October before the regular municipal election to nominate persons for municipal and special district offices.

20A-1-202. Date and purpose of local elections.

(1) A municipal general election shall be held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year.

(2) At the municipal general election, the voters shall:

(a) (i) choose persons to serve as municipal officers; and

(ii) choose persons to serve as special district officers; and

(b) approve or reject:

(i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and

(ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

Amended by Chapter 241, 2000 General Session

5. ELIGIBILITY AND RESIDENCY REQUIREMENTS FOR ELECTED MUNICIPAL OFFICE

10-3-301. Eligibility and residency requirements for elected municipal office.

(1) (a) A person filing a declaration of candidacy for a municipal office shall:

(i) have been a resident of the municipality in which the person seeks office for at least 365 consecutive days immediately before the date of the election; and

(ii) meet the other requirements of Section **20A-9-203**.

(b) A person living in an area annexed to a municipality meets the residency requirement of this subsection if that person resided within the area annexed to the municipality for at least 365 consecutive days before the date of the election.

(c) For purposes of determining whether a person meets the residency requirement of Subsection (1)(a)(i) in a municipality that was incorporated less than 365 days before the election, the municipality shall be considered to have been incorporated 365 days before the election.

(2) Any person elected to municipal office shall be a registered voter in the municipality in which the person was elected.

(3) (a) Each elected officer of a municipality shall maintain residency within the boundaries of the municipality during the officer's term of office.

(b) If an elected officer of a municipality establishes a principal place of residence as provided in Section **20A-2-105** outside the municipality during the officer's term of office, the office is automatically vacant.

(4) If an elected municipal officer is absent from the municipality any time during the officer's term of office for a continuous period of more than 60 days without the consent of the municipal legislative body, the municipal office is automatically vacant.

Amended by Chapter 65, 2000 General Session

6. CANDIDATE QUALIFICATIONS AND NOMINATING PROCEDURES

20A-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons selected by a registered political party as party candidates to run in a regular general election.

(b) "Candidates for elective office" does not mean candidates for:

- (i) justice or judge of court of record or not of record;
- (ii) presidential elector;
- (iii) any political party offices; and
- (iv) municipal or special district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) (a) "County office" means an elective office where the office holder is selected by voters entirely within one county.

(b) "County office" does not mean:

- (i) the office of justice or judge of any court of record or not of record;
- (ii) the office of presidential elector;
- (iii) any political party offices;
- (iv) any municipal or special district offices; and
- (v) the office of United States Senator and United States Representative.

(4) "Federal office" means an elective office for United States Senator and United States Representative.

(5) "Filing officer" means:

(a) the lieutenant governor, for:

- (i) offices whose political division contains territory in two or more counties;
- (ii) the office of United States Senator and United States Representative; and
- (iii) all constitutional offices;

(b) the county clerk, for county offices and local school district offices;

(c) the city or town clerk, for municipal offices; and

(d) the special district clerk, for special district offices.

(6) "Local government office" includes county offices, municipal offices, and special district offices and other elective offices selected by the voters from a political division entirely within one county.

(7) (a) "Multi-county office" means an elective office where the office holder is selected by the voters from more than one county.

(b) "Multi-county office" does not mean:

- (i) a county office;
- (ii) a federal office;
- (iii) the office of justice or judge of any court of record or not of record;
- (iv) the office of presidential elector;
- (v) any political party offices; and
- (vi) any municipal or special district offices.

(8) "Municipal office" means an elective office in a municipality.

(9) (a) "Political division" means a geographic unit from which an office holder is elected and that an office holder represents.

(b) "Political division" includes a county, a city, a town, a special district, a school district, a legislative district, and a county prosecution district.

(10) "Special district office" means an elected office in a special district.

Amended by Chapter 24, 1997 General Session

20A-9-203. Declarations of candidacy -- Municipal general elections.

(1) (a) A person may become a candidate for any municipal office if the person is a registered voter and:

(i) the person has resided within the municipality in which that person seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(ii) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality for 12 months.

(b) In addition to the requirements of Subsection (1)(a), candidates for a municipal council position under the council-mayor or council-manager alternative forms of municipal government shall, if elected from districts, be residents of the council district from which they are elected.

(c) Pursuant to Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to vote or hold elective office is restored as provided by statute.

(2) (a) Except as provided in Subsections (2)(b) or (2)(c), each person seeking to become a candidate for a municipal office shall file a declaration of candidacy in person with the city recorder or town clerk during office hours and not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee, if one is required by municipal ordinance.

(b) (i) As used in this Subsection (2)(b), "registered voters" means the number of persons registered to vote in the municipality on the January 1 of the municipal election year.

(ii) A third, fourth, or fifth class city that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election or a town that used the convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election may, by ordinance, require, in lieu of the convention system, that candidates for municipal office file a nominating petition signed by a percentage of registered voters at the same time that the candidate files a declaration of candidacy.

(iii) The ordinance shall specify the number of signatures that the candidate must obtain on the nominating petition in order to become a candidate for municipal office under this Subsection (2), but that number may not exceed 5% of registered voters.

(c) Any resident of a municipality may nominate a candidate for a municipal office by filing a nomination petition with the city recorder or town clerk during office hours but not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee, if one is required by municipal ordinance.

(d) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

(3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(ii) require the candidate or person filing the petition to state whether or not the candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy or nomination petition.

(4) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____ (stating the term). I request that my name be printed upon the applicable official ballots.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ (month\day\year).

(Signed) _____ (Clerk or other officer qualified to administer oath)"

(5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated for municipal office by submitting a petition signed by:

(i) 25 residents of the municipality who are at least 18 years old; or

(ii) 20% of the residents of the municipality who are at least 18 years old.

(b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

(6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated for municipal office by submitting a petition signed by the same percentage of registered voters in the municipality as required by the ordinance passed under authority of Subsection (2)(b).

(b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of (name of office) for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

(7) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two or four-year term, the clerk shall consider the nomination to be for the four-year term.

(8) (a) The clerk shall verify with the county clerk that all candidates are registered voters.

(b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.

(9) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in the municipality; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(10) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.

(b) If an objection is made, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after it is filed.

(c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

(d) (i) The clerk's decision upon objections to form is final.

(ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(11) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk.

Amended by Chapter 209, 2004 General Session

20A-9-404. Municipal primary elections.

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

(b) Municipal primary elections shall be held:

(i) on the Tuesday following the first Monday in the October before the regular municipal election; and

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

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

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

(b) (i) By ordinance adopted before the June 1 before a regular municipal election, any third, fourth, or fifth

class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a political party convention or committee.

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

(c) (i) A convention or committee may not nominate more than one group of candidates or have placed on the ballot more than one group of candidates for the municipal offices to be voted upon at the municipal election.

(ii) A convention or committee may nominate a person who has been nominated by a different convention or committee.

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

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

(ii) The certificate of nomination shall:

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

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

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

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

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

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

(iii) Certificates of nomination shall be filed with the clerk not later than the sixth Tuesday before the November municipal election.

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

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

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

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

(ii) provides for a partisan primary election method of nominating candidates as provided in this Subsection (4).

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

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

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

(B) is filed with the city recorder by the seventh Tuesday before the date of the municipal primary election;

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

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

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

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

(d) The clerk shall ensure that:

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

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

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

(iv) every ballot is folded and perforated so as to separate the candidates of one party from those of the other parties and so as to enable the elector to separate the part of the ballot containing the names of the party of his choice from the remainder of the ballot; and

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

(e) After marking a municipal primary ballot, the voter shall:

(i) detach the part of the ballot containing the names of the candidates of the party he has voted from the rest of the ballot;

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

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

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

Amended by Chapter 292, 2003 General Session

20A-9-601. Qualifying as a write-in candidate.

(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy with the appropriate filing officer not later than 14 days before the regular general election or municipal general election in which the person intends to be a write-in candidate.

(b) (i) The filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office; and

(B) ask the candidate whether or not the candidate meets the requirements.

(ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(2) A write-in candidate in towns need not prequalify with the filing officer.

(3) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Amended by Chapter 81, 2000 General Session

7. VACANCIES

10-3-302. Mayoral or council vacancy of a municipality.

Mayoral or council vacancies shall be filled as provided in Section **20A-1-510**.

Repealed and Re-enacted by Chapter 1, 1993 General Session

20A-1-510. Midterm vacancies in municipal offices.

(1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality who meets the qualifications for office established in Section

10-3-301 to fill the unexpired term of the office vacated until the January following the next municipal election.

(b) Before acting to fill the vacancy, the municipal legislative body shall:

(i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy; and

(ii) identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the municipal legislative body shall vote upon the names that have been submitted.

(ii) The two persons having the highest number of votes of the municipal legislative body shall appear before the municipal legislative body and the municipal legislative body shall vote again.

(iii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

(2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

- (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and
- (ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

(b) In appointing an interim replacement, the municipal legislative body shall comply with the notice requirements of this section.

(3) A member of a municipal legislative body may not participate in any part of the process established in this section to fill a vacancy if that member is being considered for appointment to fill the vacancy.

Amended by Chapter 3, 2000 General Session

8. **VOTER REGISTRATION, in part – Eligibility and Residency**

20A-2-101. Eligibility for registration.

(1) Except as provided in Subsection (2), any person may apply to register to vote in an election who:

- (a) is a citizen of the United States;
- (b) has been a resident of Utah for at least the 30 days immediately before the election; and
- (c) will be at least 18 years old on the day of the election.

(2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the person was a resident of that voting precinct before the confinement or incarceration.

(ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident of the voting precinct in which the person resided before the confinement or incarceration.

(b) A person who has been convicted of a felony whose right to vote has not been restored as provided by law may not register to vote.

(3) Any person who is eligible or qualified to vote may register and vote in a regular general election, a regular primary election, a municipal general election, a municipal primary election, a statewide special election, a local special election, a special district election, and a bond election unless that person resides outside the geographic boundaries of the entity in which the election is held.

Amended by Chapter 266, 1998 General Session

20A-2-105. Determining residency.

(1) Except as provided in Subsection (4), election officials and judges shall apply the standards and requirements of this section when determining whether or not a person is a resident for purposes of interpreting this title or the Utah constitution.

(2) A "resident" is a person who resides within a specific voting precinct in Utah.

(3) (a) A person resides in Utah if the person:

- (i) has his principal place of residence within Utah; and
- (ii) has a present intention to continue residency within Utah permanently or indefinitely.

(b) A person resides within a particular voting precinct if the person has, or will have as of the date of the election, his principal place of residence in the voting precinct.

(4) (a) The principal place of residence of any person shall be determined by applying the rules contained in this Subsection (4).

(b) A person's "principal place of residence" is that place in which the person's habitation is fixed and to which, whenever he is absent, he has the intention of returning.

(c) A person has not gained or lost a residence solely because he is present in Utah or in a voting precinct or absent from Utah or his voting precinct because he is:

- (i) employed in the service of the United States or of Utah;
- (ii) a student at any institution of learning;
- (iii) incarcerated in prison or jail; or
- (iv) residing upon any Indian or military reservation.

(d) (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at any military facility within Utah.

(ii) In order to be a resident of Utah, that member must meet the other requirements of this section.

(e) (i) Except as provided in Subsection (4)(e)(ii), a person has not lost his residence if that person leaves his

home to go into a foreign country or into another state or into another voting precinct within Utah for temporary purposes with the intention of returning.

(ii) If that person has voted in that state or voting precinct, the person is a resident of that state or voting precinct.

(f) A person is not a resident of any county or voting precinct if that person comes for temporary purposes without intending to make that county his home.

(g) If a person removes to another state with the intention of making it his principal place of residence, he loses his residence in Utah.

(h) If a person moves to another state with the intent of remaining there for an indefinite time as a place of permanent residence, he loses his residence in Utah, even though he intends to return at some future time.

(i) (i) Except as provided in Subsection (4)(i)(ii) the place where a person's family resides is presumed to be his place of residence.

(ii) A person may rebut the presumption established in Subsection (4)(i)(i) by proving his intent to remain at a place other than where his family resides.

(j) (i) A person has changed his residence if:

(A) the person has acted affirmatively to remove himself from one geographic location; and

(B) the person has an intent to remain in another place.

(ii) There can only be one residence.

(iii) A residence cannot be lost until another is gained.

(5) In computing the period of residence, a person shall:

(a) include the day on which the person's residence begins; and

(b) exclude the day of the next election.

(6) (a) There is a presumption that a person is a resident of Utah and a voting precinct and intends to remain in Utah permanently or indefinitely if the person makes an oath or affirmation upon a registration application form that his residence address and place of residence is within a specific voting precinct in Utah.

(b) The election officers and election officials shall allow that person to register and vote unless, upon a challenge by the satellite registrar or some other person, it is shown by law or by clear and compelling evidence that:

(i) the person does not intend to remain permanently or indefinitely in Utah; or

(ii) the person is incarcerated in prison or jail.

(7) (a) The rules set forth in this section for determining place of residence for voting purposes do not apply to a person incarcerated in prison or jail.

(b) For voting registration purposes, a person incarcerated in prison or jail is considered to reside in the voting precinct in which his place of residence was located before incarceration.

(8) If a person's principal place of residence is a residential parcel of one acre in size or smaller that is divided by the boundary line between two or more counties, that person shall be considered a resident of the county in which a majority of the residential parcel lies.

Amended by Chapter 64, 2002 General Session

20A-2-201. Registering to vote at office of county clerk.

(1) Except as provided in Subsection (2), the county clerk shall register to vote all persons who present themselves for registration at the county clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county.

(2) During the seven calendar days immediately before any scheduled election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on voting day, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that they will be registered to vote but may not vote in the pending election because they registered too late.

Amended by Chapter 45, 1999 General Session

20A-2-202. Registration by mail.

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

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

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

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

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

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

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

or

(B) submit proof of identification or proof of residence to the election judge at the time the citizen votes.

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

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

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

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

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

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

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

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

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

(ii) record the new voters in the official register and posting list.

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

Amended by Chapter 117, 2003 General Session

20A-2-203. Satellite location -- Registration by satellite registrar.

(1) (a) Each county clerk shall designate sufficient satellite registration locations to ensure that voters in all parts of the county have the opportunity to register to vote.

(b) A county clerk may designate as many satellite locations as desired.

(2) (a) Any person who meets the voter registration requirements may register to vote with a satellite registrar at any satellite location within the person's county of residence between 8 a.m. and 8 p.m.:

(i) on the Friday and Monday, the eighth and eleventh day, before the regular primary election in counties holding a primary election;

(ii) on the Friday and Monday, the eighth and eleventh day, before the regular general election;

(iii) on the Friday and Monday, the eighth and eleventh day, before the municipal primary election in municipalities holding a municipal primary election; and

(iv) on the Friday and Monday, the eighth and eleventh day, before the municipal general election.

(b) Each satellite registrar shall register to vote all persons who:

(i) present themselves for registration; and

(ii) are legally qualified and entitled to vote in that voting precinct on election day.

(3) (a) Unless the voter is registering for the first time, a voter may not designate or change the voter's political party affiliation at the satellite location for voter registration on the dates established in Subsection (2)(a)(i) for primary election voter registration.

(b) A voter wanting to change political party affiliation shall comply with the requirements of Section **20A-2-107**.

(4) For municipal elections, the municipality in which the registration is made shall pay the expenses of registration.

Amended by Chapter 117, 2003 General Session

Amended by Chapter 249, 2003 General Session

9. **DUTIES OF THE MUNICIPAL LEGISLATIVE BODIES**

20A-5-301. Combined voting precincts -- Municipalities.

(1) (a) The municipal legislative body of a city of the first or second class may combine two regular county voting precincts into one municipal voting precinct for purposes of a municipal election if they designate the location and address of each of those combined voting precincts.

(b) The polling place shall be within the combined voting precinct or within 1/2 mile of the boundaries of the voting precinct.

(2) (a) The municipal legislative body of a city of the third, fourth, or fifth class or town may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if it designates the location and address of that combined voting precinct.

(b) If only two precincts are combined, the polling place shall be within the combined precinct or within 1/2 mile of the boundaries of the combined voting precinct.

(c) If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precinct.

Amended by Chapter 292, 2003 General Session

20A-5-302. Automated voting system.

(1) Any county or municipal legislative body or special district board may:

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

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

(2) (a) Each automated voting system shall:

(i) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3-108;

(ii) permit each voter at any election to:

(A) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

(B) vote for as many persons for an office as that voter is entitled to vote; and

(C) vote for or against any ballot proposition upon which that voter is entitled to vote;

(iii) permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and for their presidential electors;

(iv) permit each voter, at any regular general election, to vote for all the candidates of one registered political party by making one mark or punch;

(v) permit each voter to scratch vote;

(vi) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

(vii) at primary elections:

(A) permit each voter to vote for candidates of the political party of his choice; and

(B) reject any votes cast for candidates of another party;

(viii) prevent the voter from voting for the same person more than once for the same office;

(ix) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;

(x) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

(xi) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

(xii) when properly operated, record correctly and count accurately each vote cast;

(xiii) for voting equipment certified after January 1, 2005, produce a permanent paper record that:

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

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

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

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

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

(E) allows voting poll watchers and counting poll watchers to observe the election process to ensure its integrity; and

(xiv) meet the requirements of Section 20A-5-402.5.

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

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

Amended by Chapter 113, 2002 General Session

Amended by Chapter 5, 2005 Special Session 1

10. ELECTIONS – GENERAL INFORMATION

20A-1-302. Opening and closing of polls.

(1) Polls at all elections open at 7 a.m. and shall remain open until 8 p.m. of the same day.

(2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to vote.

Amended by Chapter 228, 1993 General Session

20A-1-303. Determining results.

(1) (a) When one person is to be elected or nominated, the person receiving the highest number of votes at any:

(i) election for any office to be filled at that election is elected to that office; and

(ii) primary for nomination for any office is nominated for that office.

(b) When more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:

(i) election for any office to be filled at that election are elected to that office; and

(ii) primary for nomination for any office are nominated for that office.

(2) Any ballot proposition submitted to voters for their approval or rejection:

(a) passes if the number of "yes" votes is greater than the number of "no" votes; and

(b) fails if:

- (i) the number of "yes" votes equal the number of "no" votes; or
- (ii) the number of "no" votes is greater than the number of "yes" votes.

Enacted by Chapter 1, 1993 General Session

20A-1-304. Tie votes.

(1) Except as provided in Subsection (2), if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within 30 days of the canvass or within 30 days of the recount if one is requested or held.

(2) For any municipal primary election, if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within five days of the canvass or within five days of the recount if one is requested or held.

Amended by Chapter 20, 2001 General Session

20A-1-305. Publication and distribution of election laws.

(1) The lieutenant governor shall:

(a) publish a sufficient number of copies of Title 20A, Election Code, and any other provisions of law that govern elections; and

(b) transmit copies to each county clerk.

(2) Each county clerk shall:

(a) inform the lieutenant governor of the number of copies needed; and

(b) furnish each election officer in the county with one copy.

Enacted by Chapter 1, 1993 General Session

11. ELECTION OFFICER'S DUTIES

20A-5-400.5. County clerk and municipal clerk to conduct certain elections -- Billing.

(1) When a voted leeway or bond election is held on the regular general election date or regular primary election date, the county clerk shall serve as the election officer to conduct and administer that election.

(2) (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section **20A-1-204**, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the election officer to conduct and administer that election subject to Subsection (3).

(b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section **20A-1-204**, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the election officer to conduct and administer that election.

(c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section **20A-1-204**, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:

(i) except as provided in Subsection (3), the municipal clerk shall serve as the election officer to conduct and administer the election for those portions of the local political subdivision where the municipal general election or other election is being held; and

(ii) except as provided in Subsection (3), the county clerk shall serve as the election officer to conduct and administer the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.

(3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the municipality calling the voted leeway or bond election:

(a) the clerk or chief executive officer of a special district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct and administer the bond election for

those portions of the municipality in which no other election, other than another voted leeway or bond election, is being held, unless the special district or school district has designated the county clerk, municipal clerk, or both, to serve as the election officer; and

(b) the county clerk, municipal clerk, or both, as determined by the municipality holding the bond election, shall serve as the election officer to conduct and administer the bond election for those portions of the municipality in which another election, other than another voted leeway or bond election is being held.

(4) (a) In conducting elections under this section:

(i) the local political subdivision shall provide and pay for election notices; and

(ii) the election officer shall determine polling locations and compile, prepare, and count the ballots.

(b) The county clerk, the municipal clerk, or both shall:

(i) establish fees for conducting voted leeway and bond elections for local political subdivisions; and

(ii) bill each local political subdivision for the cost of conducting the voted leeway or bond election.

(5) An election officer administering and conducting a voted leeway or bond election is authorized to appoint or employ agents and professional services to assist in conducting and administering the voted leeway or bond election.

(6) The election officer in a voted leeway or bond election shall conduct its procedures under the direction of the local political subdivision calling the voted leeway or bond election.

Amended by Chapter 116, 2003 General Session

Amended by Chapter 105, 2005 General Session

20A-5-402.5. Certification of voting equipment.

(1) As used in this section, "voting equipment" means automatic tabulating equipment, electronic voting systems, voting devices, and voting machines.

(2) Each election officer shall ensure that:

(a) the voting equipment meets the Federal Voting Systems Standards established by the Federal Election Commission;

(b) the voting equipment used by the election officer is certified to meet those Federal Voting Systems Standards by an Independent Testing Authority approved by the National Association of State Election Directors; and

(c) the voting equipment is certified by the Lieutenant Governor of Utah as having met the requirements of this section.

(3) The lieutenant governor, as chief election officer, shall ensure that all voting equipment used in Utah complies with the requirements of this section.

Enacted by Chapter 113, 2002 General Session

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

(1) Each election officer shall:

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

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

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

(i) an American flag;

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

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

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

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

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

(b) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended 2004 General Session

20A-5-404. Election forms -- Preparation and contents.

(1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

(i) ballot disposition form;

(ii) total votes cast form;

(iii) tally sheet form; and

(iv) pollbook.

(b) For each election, the election officer shall:

(i) provide a copy of each form to each of those precincts using paper ballots; and

(ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.

(2) The election officer shall ensure that the ballot disposition form contains a space for the judges to identify:

(a) the number of ballots voted;

(b) the number of substitute ballots voted, if any;

(c) the number of ballots delivered to the voters;

(d) the number of spoiled ballots;

(e) the number of registered voters listed in the official register;

(f) the total number of voters voting according to the pollbook; and

(g) the number of unused ballots.

(3) The election officer shall ensure that the total votes cast form contains:

(a) the name of each candidate appearing on the ballot, the office for which the candidate is running, and a blank space for the election judges to record the number of votes that the candidate received;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to record the number of votes that the write-in candidate received;

(c) a heading identifying each ballot proposition and blank spaces for the election judges to record the number of votes for and against each proposition; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the total votes cast form:

"TOTAL VOTES CAST

At an election held at ____ in ____ voting precinct in _____(name of entity holding the election) and State of Utah, on _____(month\day\year), the following named persons received the number of votes annexed to their respective names for the following described offices: Total number of votes cast were as follows:

Certified by us ____, ____, ____, Judges of Election."

(4) The election officer shall ensure that the tally sheet form contains:

- (a) for each office, the names of the candidates for that office, and blank spaces to tally the votes that each candidate receives;
- (b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;
- (c) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and
- (d) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:

"Tally Sheet

We the undersigned election judges for voting precinct # _____, _____(entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on _____(date of election) and is a tally of the votes cast for each of those persons. Certified by us ____, ____, ____, Judges of Election."

(5) The election officer shall ensure that the pollbook:

- (a) identifies the voting precinct number on its face; and
- (b) contains:
 - (i) a section to record persons voting on election day, with columns entitled "Ballot Number" and "Voter's Name";
 - (ii) another section in which to record absentee ballots;
 - (iii) a section in which to record voters who are challenged; and
 - (iv) a certification, in substantially the following form:

"We, the undersigned, judges of an election held at _____ voting precinct, in _____ County, state of Utah, on _____(month\day\year), having first been sworn according to law, certify that the information listed in this book is a true statement of the number and names of the persons voting in the voting precinct at the election, and that the total number of persons voting at the election was ____."

Judges of Election

Amended by Chapter 9, 2001 General Session

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

- (1) In jurisdictions using paper ballots, each election officer shall:
 - (a) provide printed official paper ballots and absentee ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be printed on each official paper ballot and absentee ballot;
 - (c) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (d) ensure that the official paper ballots are printed and in the possession of the election officer at least four days before election day;
 - (e) ensure that the absentee ballots are printed and in the possession of the election officer at least 15 days before election day;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the official paper ballots and absentee ballots;
 - (h) cause sample ballots to be printed that are in the same form as official paper ballots and that contain the same information as official paper ballots but that are printed on different colored paper than official paper ballots;

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

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

(i) posting a copy of the sample ballot in his office at least seven days before the election;

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

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

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

(k) deliver at least five copies of the sample ballot to election judges in each voting precinct and direct them to post the sample ballots at each voting precinct as required by Section **20A-5-102**; and

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

(2) In jurisdictions using ballot cards, each election officer shall:

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

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

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

(d) ensure that the official ballot labels are printed and in the possession of the election officer at least four days before election day;

(e) ensure that the absentee ballots are printed and in the possession of the election officer at least 15 days before election day;

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

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

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

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

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

(i) posting a copy of the sample ballot in his office at least seven days before the election;

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

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

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

(k) deliver at least five copies of the sample ballot to election judges in each voting precinct and direct them to post the sample ballots at each voting precinct as required by Section **20A-5-102**; and

(l) print and deliver official ballot cards, official ballot labels, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.

(3) (a) Each election officer shall, without delay, correct any error discovered in any official paper ballot, ballot label, or sample ballot, if the correction can be made without interfering with the timely distribution of paper ballots and ballot labels.

(b) If the election officer discovers errors or omissions in the paper ballots or ballot labels and it is not possible to correct the errors or omissions by reprinting the paper ballots or ballot labels, the election officer shall direct the election judges to make the necessary corrections on the official paper ballots or ballot labels before they are distributed at the polls.

(c) (i) If the election officer refuses or fails to correct an error or omission in the paper ballots or ballot labels, a candidate or his agent may file a verified petition with the district court asserting that:

(A) an error or omission has occurred in the publication of the name or description of a candidate or in the printing of sample or official paper ballots or ballot labels; and

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

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

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

Amended by Chapter 340, 1995 General Session

20A-5-406. Delivery of ballots.

(1) Each election officer shall deliver ballots to the election judges of each voting precinct in his jurisdiction as follows:

(a) in regular general elections and regular primary elections:

(i) if the boundaries of the voting precinct have not been changed since the last election, 75 ballots for every 50, or fraction of 50, voters registered at the last election in the voting precinct; and

(ii) if the boundaries of the voting precinct have been changed since the last election, or when a new voting precinct has been created, 75 ballots for every 50, or fraction of 50, voters that the election officer estimates are registered to vote in the revised or new precinct; and

(b) in regular municipal elections and municipal primary elections, one ballot for each registered voter.

(2) The election officer shall:

(a) package and deliver the ballots to the election judges;

(b) clearly mark the outside of the package with:

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

(ii) the number of ballots enclosed;

(c) ensure that each package is delivered before noon the Monday before election day to an election judge in each precinct; and

(d) obtain a receipt for the ballots from the election judge to whom they were delivered that identifies the time when, and the manner in which, each ballot package was sent and delivered.

(3) (a) The election officer shall prepare substitute ballots in the form required by this subsection if any election judge reports that:

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

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

(b) The election officer shall:

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

(ii) cause the word "substitute" to be printed in brackets immediately under the facsimile signature of the clerk or recorder preparing the ballots;

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

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

Amended by Chapter 340, 1995 General Session

20A-5-407. Election officer to provide ballot boxes.

(1) Except as provided in Subsection (3), each election officer shall:

(a) provide one ballot box with a lock and key for each polling place; and

(b) deliver the ballot boxes, locks, and keys to the polling place or the election judges of each voting precinct no later than noon on the day before the election.

(2) Election officers for municipalities and special districts may obtain ballot boxes from the county clerk's office.

(3) If locks and keys are unavailable, the ballot box lid shall be secured by tape.

Amended by Chapter 21, 1994 General Session

20A-5-408. Disposition of election returns.

(1) Each election officer shall produce the packages containing the election returns before the board of canvassers.

(2) As soon as the returns are canvassed, the election officer shall file the pollbook, lists, and papers produced before the board as required by Section **20A-4-202**.

Enacted by Chapter 1, 1993 General Session

12. CAMPAIGN FINANCIAL DISCLOSURE IN MUNICIPAL ELECTIONS

10-3-208. Campaign finance statement in municipal election.

(1) As used in this section:

(a) "Reporting date" means:

(i) ten days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and

(ii) the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.

(b) "Reporting limit" means:

(i) \$50; or

(ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

(2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:

(A) no later than seven days before the municipal general election; and

(B) no later than 30 days after the municipal general election.

(ii) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement no later than 30 days after the municipal primary election.

(b) Each campaign finance statement under Subsection (2)(a) shall:

(i) except as provided in Subsection (2)(b)(ii):

(A) report all of the candidate's itemized and total:

(I) campaign contributions, including in-kind and other nonmonetary contributions, as of the reporting date; and

(II) campaign expenditures as of the reporting date; and

(B) identify:

(I) for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;

(II) the aggregate total of all contributions that individually do not exceed the reporting limit; and

(III) for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or

(ii) report the total amount of all campaign contributions and expenditures if the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign.

(3) (a) A municipality may, by ordinance:

(i) provide a reporting limit lower than \$50;

(ii) require greater disclosure of campaign contributions and expenditures than is required in this section; and

(iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.

(b) A candidate for municipal office is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:

(i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and

(ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (4).

(4) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy and again 14 days before each municipal general election, notify the candidate in writing of:

(a) the provisions of statute or municipal ordinance governing the disclosure of campaign contributions and expenditures;

(b) the dates when the candidate's campaign finance statement is required to be filed; and

(c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

(5) Notwithstanding any provision of Title 63, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed.

(6) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection (2)(a)(i)(A), the municipal clerk or recorder shall inform the appropriate election official who:

(i) shall:

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if:

(i) the statement details accurately and completely the information required under Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(7) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

(8) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.

(b) In a civil action under Subsection (8)(a), the court may award costs and attorney's fees to the prevailing party.

Repealed and Re-enacted by Chapter 209, 2004 General Session

13. ELECTION JUDGES

20A-5-602. Election judges -- Appointment for local elections.

(1) At least 15 days before the date scheduled for any local election, the municipal legislative body or special district board shall appoint or provide for the appointment of:

(a) in jurisdictions using paper ballots:

(i) three registered voters, or two registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, from their jurisdiction to serve as election judges for each voting precinct when the ballots will be counted after the polls close; or

(ii) three registered voters, or two registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, from their jurisdiction to serve as receiving judges in each voting precinct and three registered voters, or two registered voters and one person 17 years old who will be 18 years old

by the date of the regular municipal election, from their jurisdiction to serve as counting judges in each voting precinct when ballots will be counted throughout election day;

(b) in jurisdictions using automated tabulating equipment, three registered voters, or two registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, from their jurisdiction to serve as election judges for each voting precinct;

(c) in jurisdictions using voting machines, four registered voters, or three registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, from their jurisdiction to serve as election judges for each voting precinct; and

(d) in all jurisdictions:

(i) at least one registered voter from their jurisdiction to serve as canvassing judge, if necessary; and

(ii) as many alternate judges as needed to replace appointed judges who are unable to serve.

(2) The municipal legislative body and special district board may not appoint any candidate's parent, sibling, spouse, child, or in-law to serve as an election judge in the voting precinct where the candidate resides.

(3) The clerk shall:

(a) prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed; and

(b) make the list available in the clerk's office for inspection, examination, and copying during business hours.

(4) (a) The municipal legislative body and special district board shall compensate election judges for their services.

(b) The municipal legislative body and special district board may not compensate their election judges at a rate higher than that paid by the county to its election judges.

Amended by Chapter 40, 1998 General Session

20A-5-603. Vacancies -- Removal of election judges.

(1) (a) If a judge or alternate is unable to serve, that judge or alternate shall immediately notify the election officer, who shall fill the vacancy as provided in this section.

(b) The election officer may fill a vacancy occurring under this section by appointing the alternate to serve or, if that is impossible, by appointing some other qualified person to fill the vacancy.

(2) The election officer shall summarily remove any election judge who:

(a) neglects his duty;

(b) commits or encourages fraud in connection with any election;

(c) violates any election law;

(d) knowingly permits any person to violate any election law;

(e) has been convicted of a felony;

(f) commits any act that interferes or tends to interfere with a fair and honest election; or

(g) is incapable of performing the duties of an election judge.

Amended by Chapter 21, 1994 General Session

20A-5-604. Receipt of ballots, official register, and posting book by election judge.

(1) The election judge who receives official or substitute ballots from the election officer shall:

(a) sign a receipt for them and file it with the election officer; and

(b) produce the packages in the proper polling place with the seals unbroken.

(2) If the election judge receives packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the election judge shall produce the packages of substitute ballots in the proper polling place with the seals unbroken.

Amended by Chapter 3, 1996 Special Session 2

20A-5-605. Duties of election judges on election day.

(1) (a) Receiving judges shall arrive at the polling place 30 minutes before the polls open and remain until the official election returns are prepared for delivery.

(b) Counting judges shall be at the polls as directed by the election officer and remain until the official election returns are prepared for delivery.

(2) Upon their arrival to open the polls, each set of election judges shall:

(a) designate which judge shall preside and which judges shall act as clerks;

(b) in voting precincts using paper ballots, select one of their number to deliver the election returns to the election officer or to the place that the election officer designates;

(c) in voting precincts using ballot cards, select two of their number, each from a different party, to deliver the election returns to the election officer or to the place that the election officer designates;

(d) display the United States flag;

(e) open the voting devices and examine them to see that they are in proper working order;

(f) place the voting devices, voting booths, and the ballot box in plain view of election judges and watchers;

(g) open the ballot packages in the presence of all the judges;

(h) check the ballots, supplies, records, and forms;

(i) if directed to do so by the election officer, make any necessary corrections to the official ballots before they are distributed at the polls;

(j) post the sample ballots, instructions to voters, and constitutional amendments, if any;

(k) hang the posting list near the polling place entrance; and

(l) open the ballot box in the presence of those assembled, turn it upside down to empty it of anything, and then, immediately before polls open, lock it, or if locks and keys are not available, tape it securely.

(3) (a) If any election judge fails to appear on the morning of the election, or fails or refuses to act, at least six qualified electors from the voting precinct who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified person from the voting precinct who is a member of the same political party as the judge who is being replaced to act as election judge.

(b) If a majority of the receiving election judges are present, they shall open the polls, even though the alternate judge has not arrived.

(4) (a) If it is impossible or inconvenient to hold an election at the polling place designated, the election judges, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.

(b) If the judges move to a new polling place, they shall display a proclamation of the change and station a peace officer or some other proper person at the original polling place to notify voters of the location of the new polling place.

(5) If the election judge who received delivery of the ballots produces packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the election judges shall use those substitute ballots as the official election ballots.

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

(7) When it is time to open the polls, one of the election judges shall announce that the polls are open as required by Section **20A-1-302**.

(8) (a) The election judges shall comply with the voting procedures and requirements of Title 20A, Chapter 3, in allowing people to vote.

(b) The election judges may not allow any person, other than election officials and those admitted to vote, within six feet of voting machines, voting booths, and the ballot box.

(c) Besides the election judges and watchers, the election judges may not allow more than four voters in excess of the number of voting booths provided within six feet of voting machines, voting booths, and the ballot box.

(d) If necessary, the election judges shall instruct each voter about how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two election judges may, if necessary, enter the booth and give the voter additional instructions.

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

Amended by Chapter 282, 1998 General Session

20A-5-606. Closing the polls -- Preparation and delivery of election returns.

The election judges shall close the polls and prepare and deliver the election returns as provided in Chapter 4.

Amended by Chapter 2, 1994 General Session

14. GENERAL REQUIREMENTS FOR ALL BALLOTS

20A-6-101. General requirements for paper ballots.

(1) Each election officer shall ensure that paper ballots:

(a) are printed on only one side of the paper;

(b) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;

(c) are printed using precisely the same quality and kind of type;

(d) are printed using precisely the same quality and tint of plain black ink;

(e) are uniform in size for all the voting precincts within the election officer's jurisdiction;

(f) include, in elections where write-in voting is authorized, a write-in column immediately to the right of the last column on the ballot that is long enough to contain as many written names of candidates as there are persons to be elected with:

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

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

(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Enacted by Chapter 2, 1994 General Session

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

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

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

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

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

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

(ii) differentiate between political parties.

(2) Each election officer shall ensure that:

(a) ballot cards are of a size, design, and stock suitable for processing by automatic data processing machines;

(b) each ballot card has an attached perforated stub, on which is printed the words "Official Ballot, (initial) Judge"; and

(c) ballot stubs are numbered consecutively.

(3) In elections in which voters are authorized to cast write-in votes, the election officer shall provide a separate write-in ballot, which may be in the form of a paper ballot, a card, or a secrecy envelope in which the voter places his ballot card after voting, to permit voters to write in the title of the office and the name of the person or persons for whom the voter wishes to cast a write-in vote.

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

Enacted by Chapter 2, 1994 General Session

I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

Signature of Applicant

In accordance with Section 20A-2-401 , the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to \$2,500."

- (2) The provisional ballot envelope shall include:
- (a) a unique number;
 - (b) a detachable part that includes the unique number; and
 - (c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5 , where the voter can find out if the provisional ballot was counted.

20A-6-105.5 (Effective 05/01/04). Voter access to provisional ballot information.

Each county clerk shall implement, through an internet website, toll-free telephone number, or other means, a system where an individual who voted a provisional ballot may, free of charge, determine if the voter's vote was counted, and, if the vote was not counted, the reason the vote was not counted.

Enacted by Chapter 34, 2003 General Session

15. BALLOT FORM REQUIREMENTS FOR MUNICIPAL ELECTIONS

20A-6-401. Ballots for municipal primary elections.

- (1) Each election officer shall ensure that:
- (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;
 - (ii) the ballot number and the words "Judge's Initial ____" are printed on the stub; and
 - (iii) ballot stubs are numbered consecutively;
 - (b) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:
 - (i) "Official Primary Ballot for ____ (City or Town), Utah";
 - (ii) the date of the election; and
 - (iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type; and
 - (c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;
 - (d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;
 - (e) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;
 - (f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;
 - (g) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates; and
 - (h) the candidate groups are separated from each other by one light and one heavy line or rule.
- (2) A municipal primary ballot may not contain any space for write-in votes.

Enacted by Chapter 2, 1994 General Session

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

- (1) If a municipality is using paper ballots, each election officer shall ensure that:
- (a) all paper ballots furnished for use at the regular primary election:

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

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

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

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

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

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

(ii) the ballot number and the words "Judge's Initials ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

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

(i) "Official Primary Ballot for ____ County, Utah";

(ii) the date of the election; and

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

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

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

(h) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;

(i) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(j) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates;

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

(l) the nonpartisan candidates are listed as follows:

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

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

(2) (a) If a municipality is using machine counted ballots, the election officer may require that:

(i) the ballot label for a regular primary election consist of several groups of pages, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

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

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

(b) If a municipality is using machine counted ballots, each election officer shall:

(i) ensure that the ballot label provides a square for the voter to designate the political party in whose primary the voter is voting; and

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

Enacted by Chapter 328, 2000 General Session

20A-6-402. Ballots for regular municipal elections.

(1) Each election officer shall ensure, for paper ballots at municipal general elections, that:

- (a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;
 - (b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;
 - (c) for other offices:
 - (i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and
 - (ii) the names of those candidates are placed upon the municipal general election ballot;
 - (d) propositions submitted to the voters by the municipality are listed on the ballot under the heading "City (or Town) Proposition Number ___" with the number of the proposition as assigned by the municipal legislative body placed in the blank;
 - (e) municipal initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's City (or Town) Initiative Number ___" with the number of the municipal initiative as assigned by Section **20A-7-508** placed in the blank;
 - (f) municipal referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's City (or Town) Referendum Number ___" with the number of the municipal referendum as assigned by Section **20A-7-608** placed in the blank; and
 - (g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section **11-14-206**.
- (2) Each election officer shall ensure that:
- (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;
 - (ii) the ballot number and the words "Judge's Initial ____" are printed on the stub; and
 - (iii) ballot stubs are numbered consecutively;
 - (b) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:
 - (i) "Official Ballot for ____ (City or Town), Utah";
 - (ii) the date of the election; and
 - (iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type; and
 - (c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;
 - (d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;
 - (e) after the rules, the designation of the office for which the candidates seek election is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;
 - (f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;
 - (g) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates;
 - (h) following the name of the last candidate for each office, the ballot contains a write-in space for each elective office; and
 - (i) the candidate groups are separated from each other by one light and one heavy line or rule.
- (3) When a municipality has chosen to nominate candidates by convention or committee, the election officer shall ensure that the party name is included with the candidate's name on the ballot.

Amended by Chapter 57, 2001 General Session

Amended by Chapter 105, 2005 General Session

16. (ABSENTEE) VOTING BY ABSENT OR PHYSICALLY DISABLED VOTERS

20A-3-301. Right of absent or disabled person to vote.

- (1) Any person who is registered to vote may vote by absentee ballot.
- (2) A registered voter may not vote in person if the voter voted by absentee ballot..

Amended by HB09, 2004 General Session

Amended by Chapter 10, 1996 General Session

20A-3-302. Absentee voting -- No polling place for remote districts.

(1) Whenever, on the 60th day before an election, there are 500 or less persons registered to vote in a voting precinct, the county legislative body of the county in which the voting precinct is located may elect to administer an election entirely by absentee ballot.

(2) If the county legislative body of the county in which the voting precinct is located decides to administer an election entirely by absentee ballot, the county clerk shall mail to each registered voter within that voting precinct:

(a) an absentee ballot;

(b) a statement that there will be no polling place for the election;

(c) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for his vote to be counted; and

(d) a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, he will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.

(3) Any voter who votes by absentee ballot under this subsection is not required to apply for an absentee ballot as required by this part.

(4) (a) The county clerk of a county that administers an election entirely by absentee ballot shall:

(i) obtain, in person, the signatures of each voter within that voting precinct before the election; and

(ii) maintain the signatures on file in the county clerk's office.

(b) (i) Upon receiving the returned absentee ballots, the county clerk shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.

(ii) If the county clerk questions the authenticity of the signature on the absentee ballot, the clerk shall immediately contact the voter to verify the signature.

(iii) If the voter does not confirm his signature on the absentee ballot, the county clerk shall:

(A) immediately send another absentee ballot and other voting materials as required by this subsection to the voter; and

(B) disqualify the initial absentee ballot.

Amended by HB09, 2004 General Session

Amended by Chapter 183, 1997 General Session

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

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

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

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

(2) The election officer may prepare absentee ballots as paper ballots or ballot cards or may use both methods.

Enacted by Chapter 1, 1993 General Session

20A-3-304. Application for absentee ballot -- Time for filing and voting.

(1) Any registered voter who wishes to vote an absentee ballot may either:

(a) file an absentee ballot application with the appropriate election officer for an official absentee ballot as provided in this section; or

(b) vote in person at the office of the appropriate election officer as provided in Section **20A-3-306**.

(2) (a) Except as provided in Subsection (2)(b), each election officer shall prepare blank applications for absentee ballot applications in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, apply for an official absentee ballot to be voted by me at the election.

Date _____ (month\day\year) Signed _____
Voter"

(b) Each election officer shall prepare blank applications for absentee ballot applications for regular primary elections and for the Western States Presidential Primary in substantially the following form:

"I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply for an official absentee ballot for the _____ political party to be voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request.

Dated _____ (month\day\year) _____ Signed _____
Voter"

(c) If requested by the applicant, the election officer shall:

(i) mail or fax the application blank to the absentee voter; or

(ii) deliver the application blank to any voter who personally applies for it at the office of the election officer.

(3) (a) (i) Except as provided in Subsections (3)(a)(ii) and (iii), the voters shall file the application for an absentee ballot with the appropriate election officer no later than the Friday before election day.

(ii) Overseas applicants shall file their applications with the appropriate election officer no later than 20 days before the day of election.

(iii) Voters applying for an absentee ballot for the Western States Presidential Primary shall file the application for an absentee ballot with the appropriate election officer not later than the Tuesday before election day.

(b) Persons voting an absentee ballot at the office of the election officer shall apply for and cast their ballot no later than the day before the election.

(4) (a) A county clerk may establish a permanent absentee voter list.

(b) The clerk shall place on the list the name of any person who:

(i) requests permanent absentee voter status; and

(ii) meets the requirements of this section.

(c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the absentee voter list.

(ii) The questionnaire shall allow the absentee person to verify the voter's.

(iii) The clerk may remove the names of any voter from the absentee voter registration list if:

(A) the voter is no longer listed in the official register; or

(B) the voter fails to verify the voter's residence and absentee status.

(d) The clerk shall provide a copy of the permanent absentee voter list to election officers for use in elections.

Amended by HB09, 2004 General Session

Amended by Chapter 167, 2002 General Session

20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope -- Affidavit.

(1) Upon timely receipt of an absentee voter application properly filled out and signed, or as soon after receipt of the application as the official absentee ballots for the voting precinct in which the applicant resides have been printed, the election officer shall either:

(a) give the applicant an official absentee ballot and envelope to vote in the office; or

(b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an envelope printed as required in Subsection (2).

(2) The election officer shall ensure that:

(a) the name, official title, and post office address of the election officer is printed on the front of the envelope; and

(b) a printed affidavit in substantially the following form is printed on the back of the envelope:

"County of _____ State of _____

I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct in _____ County, Utah; I am entitled to vote in that voting precinct at the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signature of Absentee Voter"

(3) If the election officer determines that the absentee voter is required to show proof of identity or proof of residence as indicated in the official register, the election officer shall:

- (a) issue the voter a provisional ballot in accordance with Section **20A-3-105.5**;
- (b) instruct the voter to include a valid form of proof of identity and proof of residence with the return ballot;
- (c) provide the voter clear instructions on how to vote a provisional ballot; and
- (d) comply with the requirements of Subsection (2).

Amended by HB09, 2004 General Session

Amended by Chapter 37, 2003 General Session

20A-3-306. Voting ballot -- Returning ballot.

(1) (a) To vote a mail-in absentee ballot, the absentee voter shall:

- (i) complete and sign the affidavit on the envelope;
- (ii) mark his votes on the absentee ballot;
- (iii) place the voted absentee ballot in the envelope;
- (iv) securely seal the envelope; and

(v) attach postage and deposit the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.

(b) To vote an absentee ballot in the office of the election officer, the absent voter shall:

- (i) complete and sign the affidavit on the envelope;
- (ii) mark his votes on the absent-voter ballot;
- (iii) place the voted absent-voter ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) give the ballot and envelope to the election officer.

(2) An absentee ballot is not valid unless it is:

(a) received at the office of the appropriate election officer before the closing of polls on election day; or

(b) clearly postmarked before election day and received in the office of the election officer before noon on the day of the official canvass following the election.

Amended by Chapter 24, 1997 General Session

20A-3-306.5. Emergency absentee ballots.

(1) As used in this section, "hospitalized voter" means a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution after the deadline for filing an application for an absentee ballot established in Section **20A-3-304**.

(2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an absentee ballot and vote on election day by following the procedures and requirements of this section.

(3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the election officer's office.

(b) The election officer shall require the person to sign a statement identifying himself and the hospitalized voter.

(4) To vote, the hospitalized voter shall complete the absentee ballot application, complete and sign the application on the absentee ballot envelope, mark his votes on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope.

(5) To be counted, the absentee voter application and the sealed absentee ballot envelope must be returned to the election officer's office before the polls close on election day.

Amended by Chapter 45, 1999 General Session

20A-3-307. Processing of absentee ballot.

(1) Except as provided in Subsection (2), upon receipt of an envelope containing an absentee ballot, the election officer shall:

(a) enclose the unopened envelope containing the absentee ballot and the written application of the absentee voter in a larger envelope;

(b) seal that envelope and endorse it with:

(i) the name or number of the proper voting precinct;

(ii) the name and official title of the election officer; and

(iii) the words "This envelope contains an absentee ballot and may only be opened on election day at the polls while the polls are open."; and

(c) safely keep the envelope in his office until it is delivered by him to the proper election judges.

(2) If the election officer receives envelopes containing absentee ballots too late to transmit them to the election judges on election day, the election officer shall retain those absentee ballots in a safe and secure place until they can be processed as provided in Section **20A-3-309**.

(3) (a) Except as provided in Subsection (c), when reasonably possible, the election officer shall deliver or mail valid absentee ballots to the appropriate voting precinct election judges so that they may be processed at the voting precinct on election day.

(b) If the election officer is unable to determine the voting precinct to which an absentee ballot should be sent, or if a valid absentee ballot is received too late for delivery on election day to election judges, the election officer shall retain the absentee ballot in a safe place until it can be processed as required by Section **20A-3-309**.

(c) When the absentee ballots will be centrally counted, the election officer shall deliver those absentee ballots to the counting center on election day for counting.

Enacted by Chapter 1, 1993 General Session

20A-3-308. Absentee ballots in the custody of election judges -- Disposition.

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

(b) The election judges shall:

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

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

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

(i) the affidavit is sufficient;

(ii) the signatures correspond; and

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

(b) If, after opening the absentee voter envelope, the judge finds that a provisional ballot envelope is enclosed and the voter has included proof of identity and proof of residence, the election judge shall:

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

(ii) record the provisional ballot envelope number on the official register; and

(iii) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.

(c) If, after opening the absentee voter envelope, the judge finds that a provisional ballot envelope is enclosed, and that the voter has not included proof of identity and proof of residence, the election judge shall:

(i) record in the official register that the voter did not include proof of identity and proof of residence;

(ii) record the provisional ballot number in the official register; and

(iii) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.

(d) If the absentee ballot is not a provisional ballot, the election judges shall:

(i) remove the absentee ballot from the envelope without unfolding it or permitting it to be opened or examined;

- (ii) initial the stub in the same manner as for other ballots;
 - (iii) remove the stub from the ballot;
 - (iv) deposit the ballot in the ballot box; and
 - (v) mark the official register and pollbook to show that the voter has voted.
- (3) If the election judges determine that the affidavit is insufficient, or that the signatures do not correspond, or that the applicant is not a registered voter in the voting precinct, they shall:
- (a) disallow the vote; and
 - (b) without opening the absentee voter envelope, mark across the face of the envelope:
 - (i) "Rejected as defective"; or
 - (ii) "Rejected as not a registered voter."
- (4) The election judges shall deposit the absentee voter envelope, when the absentee ballot is voted, and the absentee voter envelope with its contents unopened when the absent vote is rejected, in the ballot box containing the ballots.
- (5) The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Amended by Chapter 37, 2003 General Session

20A-3-309. Absentee ballots in the custody of the election officer -- Disposition.

(1) The election officer shall deliver all envelopes containing valid absentee ballots that are in the election officer's custody to the place of the official canvass of the election by noon on the day of the official canvass following the election.

(2) At the canvass, election judges, acting under the supervision of the official canvassers of the election, shall comply with the procedures and requirements of Section **20A-3-308** in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing them in a ballot box.

(3) After all valid absentee ballots have been deposited, they shall be counted in the usual manner and the resulting tally added to the official canvass of the election.

Enacted by Chapter 1, 1993 General Session

20A-3-310. Frauds and malfeasance in absent voting -- Penalty.

(1) (a) It is unlawful for any person to willfully falsify the absentee voter affidavits required by this part.

(b) Any person violating this subsection is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5.

(2) (a) It is unlawful for any election officer to:

- (i) refuse or neglect to perform any of the duties required by this part; or
- (ii) violate any of the provisions of this part.

(b) Any person who violates this subsection is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

17. (ABSENTEE) VOTING BY MEMBERS OF THE MILITARY BOARD AND OTHER PERSONS LIVING OR SERVING ABROAD

20A-3-401. Intent and purpose of part.

(1) Each election officer, election official, and judge shall liberally interpret and apply this part to:

(a) make it possible for Utah voters living or serving abroad to vote in county, state, and national elections during their absence;

(b) enable these voters to register more conveniently;

(c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting Act; and

(d) exempt overseas and military voters from the proof of identity and proof of residence requirements of Section **20A-3-308** in accordance with Public Law 107-252, the Help America Vote Act of 2002.

(2) The state selective service, all military organizations, and citizens and officers of Utah or of the respective counties and municipalities of the state shall cooperate with the election and party officers in carrying out the intent and purpose of this part.

(3) All state and county officers of Utah shall:

(a) do all things and perform all acts necessary to put into effect the provisions of any Act of Congress or this state allowing uniformed and overseas citizen voters to vote; and

(b) permit the use of any official ballot authorized by any Act of Congress and this part as a ballot supplementary to the official Utah election military ballot.

(4) Each provision of this part prevails over any inconsistent provision of any other statute or any part of any statute.

Amended by Chapter 37, 2003 General Session

20A-3-402. Scope of part.

(1) This part governs:

(a) each military or overseas citizen voter who is or expects to be absent on election day from the place in which he resides or is registered to vote, regardless of whether the military or overseas citizen voter is within or outside the territorial limits of the United States at the time of voting; and

(b) any overseas citizen voter whose overseas service was terminated by discharge from the armed forces, by separation from the merchant marine, or by termination of service or employment outside the territorial limits of the United States too late to enable that voter to register to vote as required by this title.

(2) All other persons may vote by absentee ballot only as provided in Part 3.

Enacted by Chapter 1, 1993 General Session

20A-3-403. Definitions.

As used in this part:

(1) (a) "Ballot," "disabled voter's ballot" and "official Utah military ballot" means the same ballots that will be submitted to and used by other voters of Utah at the primary or general election.

(b) "Ballot" includes any official federal ballot provided by any Act of Congress to allow voting by voters in the military service of the United States.

(2) "Military voter" means each person who is qualified as a voter under the Utah Constitution and laws or who is eligible for registration and who would, by registration, be qualified to vote, and who is:

(a) a member of the armed forces of the United States while in the active service or is the spouse or dependent of that member;

(b) a member of the merchant marine of the United States or is the spouse or dependent of that member;

(c) a civilian employee of the United States in all categories who is serving outside the territorial limits of the United States whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not the employee is paid from funds appropriated by the Congress or is the spouse or dependent of that member when residing with or accompanying them; and

(d) a member of religious groups or welfare agencies assisting members of the armed forces, who is officially attached to and serving with the armed forces, or is the spouse or dependent of that member.

(3) "Overseas citizen voter" means:

(a) a member of the armed forces of the United States while in the active service or the spouse or dependent of that member;

(b) a member of the merchant marines of the United States or the spouse or dependent of that member; and

(c) a citizen of the United States residing outside the territorial limits of the United States or the spouse or dependent of that member when residing with them or accompanying them.

Enacted by Chapter 1, 1993 General Session

20A-3-404. Special military write-in absentee ballots.

(1) Notwithstanding any other provisions of this chapter, a military voter may apply for a special write-in absentee ballot not later than 30 days before an election.

(2) To qualify for a special write-in absentee ballot, a military voter shall:

(a) apply for a special write-in absentee ballot by submitting a federal postcard application form; and

(b) state on the form or on a separate paper submitted with the form that he is unable to vote by regular absentee ballot or in person because of his military service.

(3) Upon receipt of the application, the county clerk shall issue and mail a special military write-in ballot.

Amended by Chapter 20, 2001 General Session

20A-3-404.5. Special overseas citizen voter absentee ballot.

(1) As used in this section, "federal office" means President/Vice President of the United States, United States Senator, and United States Representative.

(2) Each county clerk, after consulting with the chief election officer, shall prepare a special overseas citizen voter ballot containing a means for the overseas citizen voter to vote for each federal office that will appear on the regular general election ballot.

Enacted by Chapter 20, 2001 General Session

20A-3-405. Registration of military voters and overseas citizen voters.

(1) (a) (i) Any military voter who is a legal resident of Utah but is stationed outside Utah and who is not otherwise registered to vote in Utah and any overseas citizen voter who is a legal resident of Utah but who is outside the territorial limits of the United States and who is not otherwise registered to vote in Utah may register in the manner provided by this section.

(ii) That registration entitles him to vote in Utah elections as provided for in this part.

(b) The county clerk shall cause a registration and voting certificate to be printed on the back of the ballot envelope in substantially the following form:

"REGISTRATION AND VOTING CERTIFICATE

I ____ (Print Name), place of birth ____, date of birth ____, solemnly swear (or affirm) that I am now a citizen of the United States and am at least 18 years old or will be 18 years old on the ____ (Date of election to be inserted) that I am a legal resident of ____ County, residing at ____ (Street and Number if any or rural route number) in the city or town of ____, state of Utah; that I am: (check appropriate blank)

____ In the armed forces of the United States;

____ In the merchant marine of the United States;

____ In the American Red Cross, in the Society of Friends, in the United States service organizations, attached to and serving with the armed forces of the United States;

____ A citizen of the United States residing outside the territorial limits of the United States;

____ A spouse or dependent of a person who meets the requirements of the above; that I have never been convicted of treason or crime against the elective franchise or other high crime causing a loss of my franchise without thereafter being restored to my civil rights; and that I expect to be absent from the above-named county on the date of the election.

Signature of voter

Identification Number _____

(To be signed when voter is physically unable to see or write.)

Signature of additional witness who is a commissioned, noncommissioned, or petty officer not below the rank of sergeant (or its equivalent) or other person authorized to administer oaths, who does swear that at the request of ____ (the voter), he assisted him in voting because the voter was on account of physical disability unable to see or write. At the voter's direction he did read to him the registration and voting certificate and filled in the blanks and marked the ballot as the voter directed and signed his name at his request in the presence of both attesting officers.

This ballot may be voted even though an official federal ballot has already been voted, and if received by the proper election officials in time to be counted under the provisions of law, will be counted in lieu of the federal ballot."

(2) (a) Any overseas citizen voter whose overseas service was terminated by discharge from the armed forces, by separation from the merchant marine, or by termination of service or employment outside the territorial limits of the United States too late to enable that voter to register to vote as required by this title may register to vote by filing an affidavit establishing his eligibility with the county clerk of his county of residence by noon on the day before the election.

(b) After receiving and verifying the affidavit, the county clerk shall give the person a regular absentee ballot to vote.

Amended by Chapter 228, 1993 General Session

20A-3-406. Absentee ballots for military personnel and citizens living overseas -- Federal postcard applications for ballot.

(1) (a) Applications for absentee ballots for military voters shall be filed in the county clerk's office no later than the Friday immediately before the day of election.

(b) Military personnel voting an absentee ballot at the office of the clerk shall apply and cast their ballot no later than the day before the election.

(2) (a) Military voters stationed overseas and overseas citizen voters shall file an application for a ballot with the county clerk no later than 20 days before the day of election.

(b) Upon receipt of a properly completed written application for an absentee ballot signed by any military voter or overseas citizen voter, the county clerk shall mail an appropriate ballot to the military voter or overseas citizen voter.

(c) The county clerk, at the time he furnishes the ballot, shall record, in a record book provided for that purpose, the name and home address of the military voter or overseas citizen voter to whom the ballot is mailed, the address mailed to, and the date of mailing the ballot.

(d) If the military voter or overseas citizen voter sends his application to the lieutenant governor, the lieutenant governor shall forward the application to the county clerk of the county where the military voter or overseas citizen voter is entitled to vote.

(e) If the county clerk rejects the application for an absentee ballot from a military or overseas citizen voter, the county clerk shall inform the voter of the reasons for rejecting the application.

(3) Any military voter or overseas citizen voter who is physically disabled so as to be unable to see or write may apply for a ballot by having a commissioned, noncommissioned, or petty officer not below the rank of sergeant, or other person authorized to administer oaths to apply for a ballot on the voter's behalf.

(4) (a) A federal postcard application issued under the authority of any Act of Congress or federal regulation is acceptable, when properly executed, as an application for a ballot under this chapter.

(b) The county clerk shall accept the completed postcard application as an application for ballots for each election for federal office held in the next two even-numbered years and shall send the applicant a ballot for each of those elections, as required by Section **20A-3-407**.

(5) The county clerk shall retain the application for use at the time the ballot is received from the military voter or overseas citizen voter.

Amended by Chapter 117, 2003 General Session

20A-3-407. Mailing of ballot to military voter.

(1) (a) Upon receipt of the military or overseas citizen voter's application for a ballot, or as soon after receipt as the ballot for the voting precinct in which the applicant resides has been printed, the county clerk shall:

(i) enclose a ballot in an unsealed ballot envelope printed as required in Subsection **20A-3-405(1)(b)**;

(ii) enclose that envelope in a carrier envelope; and

(iii) mail, postage prepaid, the carrier envelope containing the unsealed ballot envelope and the ballot to the military or overseas citizen voter.

(b) The county clerk may not send more than one ballot in any election to the same military or overseas citizen voter.

(2) The county clerk shall ensure that the name, official title, return address of the county clerk, and "OFFICIAL UTAH ELECTION BALLOT" is printed on the carrier envelope.

(3) (a) The county clerk may enclose only the ballot, the ballot envelope, and an instruction sheet, if any, prepared by the county clerk in the sealed carrier envelope addressed to the military or overseas citizen voter.

(b) Both envelopes may be made of light weight paper.

Enacted by Chapter 1, 1993 General Session

20A-3-408. Voting of ballot by military or overseas citizen voter.

(1) (a) The military or overseas citizen voter shall:

(i) upon receipt of the ballot, mark it in secret;

- (ii) seal it in the ballot envelope provided for that purpose; and
- (iii) execute the registration and voting certificate and mailing affidavit on the back of the envelope.

(b) (i) If the military or overseas citizen voter is physically disabled so as to be unable to see or write, he may request assistance from two persons, each of whom shall be qualified to certify to the registration and voting certificate.

- (ii) The military or overseas citizen voter shall tell those persons how he wishes his ballot marked.
- (iii) Those persons shall mark the ballot as directed by the military or overseas citizen voter in his presence.
- (iv) One of the persons assisting the military or overseas citizen voter shall:
 - (A) read to the voter the registration and voting certificate upon the ballot;
 - (B) fill in its blanks as the voter directs; and
 - (C) sign, on the line provided for the signature of the voter, the name of the voter and his own name.

(2) (a) The ballot shall be sent by any available mail service to the county clerk who issued it.

(b) The military or overseas citizen voter is not required to return the ballot by registered mail.

(3) The ballot is not valid unless:

(a) (i) it is clearly postmarked by the appropriate military post office, the Fleet Post Office (FPO) or the Army/Air Force Post Office (APO), before election day and received in the office of the election officer before noon on the day of the official canvass following the election; or

(ii) the voter has signed the mailing affidavit on the back of the ballot envelope and the ballot is received in the office of the election officer before noon on the day of the official canvass following the election.

(b) The county clerk shall cause a mailing affidavit to be printed on the back of the ballot envelope that is in substantially the following form:

"I certify that I am/may be unable to obtain a proper postmark and, subject to penalty of law for false statements, swear or affirm that this ballot was voted and mailed before the day of the election.

Signature of

Voter _____

Date _____

To be signed when voter is physically unable to see or write:

_____ Signature of additional witness who is a commissioned, noncommissioned, or petty officer not below the rank of sergeant or its equivalent, or another person authorized to administer oaths who does swear, under penalty of law for false statements, that at the request of _____ (name of the voter), I completed the mailing affidavit because the voter was unable to see or write because of a physical disability."

Amended by Chapter 112, 2002 General Session

20A-3-409. Disposition of ballot by county clerk.

(1) Upon receipt by the county clerk of the envelope containing the ballot, the county clerk shall:

(a) enclose the unopened envelope containing the ballot and the written application of the military or overseas citizen voter in a larger envelope;

(b) securely seal and endorse it with:

(i) the name or number of the proper voting precinct;

(ii) the name and official title of the clerk;

(iii) the words: "This envelope contains an absentee voter's official Utah election ballot to be voted at _____ (Insert Name and Number) precinct, in _____ (Insert Name) county, and may be opened on election day at the polls while the polls are open."; and

(c) safely keep the envelope in his office until it is delivered by him to the proper election judges.

(2) (a) When reasonably possible, the county clerk shall deliver or mail all military or overseas citizen voter ballot envelopes to the appropriate voting precinct election judges so that they may be processed on election day.

(b) If the clerk is unable to determine the voting precinct to which the ballot should be sent or when valid ballots are received too late to deliver to the election judges on election day, the clerk shall keep them in a safe place until delivery can be made as required by Section **20A-3-309**.

Amended by Chapter 340, 1995 General Session

20A-3-410. Duty of election judges.

(1) (a) Voting precinct election judges shall open envelopes containing military or overseas citizen voter ballots that are in their custody on election day at the polling places during the time the polls are open as provided in this subsection.

(b) The election judges shall:

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

(ii) unless the ballot is a disabled military or overseas citizen voter's ballot, compare the signature of the military or overseas citizen voter on the application with the signature on the registration and voting certificate.

(2) (a) The judges shall register the military or overseas citizen voter to vote if the voter is not already registered if the judges find that:

(i) the registration and voting certificate appears to be executed in proper form and contains information qualifying the military or overseas citizen voter to be registered as a voter; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

(i) disallow the registration; and

(ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of ."

(c) When a military or overseas citizen voter's name is entered upon the registration books, the voter is considered to be registered and the registration and voting certificate, signed and sworn to by the military or overseas citizen voter on the back of the ballot envelope, together with his name upon the registration books, constitute his registration record.

(d) Nothing in this title may abridge the right of the military or overseas citizen voter to be registered as provided in this section.

(3) (a) After registering the voter, the judges shall carefully open the ballot envelope so as not to destroy the information printed on it if they find that:

(i) the registration and voting certificate is sufficient; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) The election judges shall:

(i) remove the ballot from the envelope without unfolding it or permitting it to be opened or examined;

(ii) initial the stub in the same manner as for other ballots;

(iii) deposit the ballot in the proper ballot box; and

(iv) mark the official register and pollbook to show that the voter has voted.

(c) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

(i) disallow the vote; and

(ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of ."

(4) The election judges shall deposit the envelope, when the ballot is voted, and the envelope with its contents unopened, when the absent vote is rejected, in the ballot box containing the ballots.

(5) The county clerk shall retain and preserve the envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Amended by Chapter 2, 1994 General Session

20A-3-411. Challenge of ballot.

(1) Except as provided in Subsection (2), a military or overseas citizen voter's ballot may be challenged in the same manner and on the same grounds as provided in this part.

(2) Notwithstanding the provisions of Subsection (1), a military or overseas citizen voter's ballot, may not be challenged because the ballot envelope has been opened and resealed if it appears from the envelope that the opening and resealing was done for the purpose of military censorship.

Enacted by Chapter 1, 1993 General Session

18. **VOTING, in part – General Voting Requirements**

20A-3-101. Residency and age requirements of voters.

- (1) A person may vote in any regular general election or statewide special election if that person:
 - (a) is a citizen of the United States;
 - (b) is a resident of Utah;
 - (c) will, on the date of that election:
 - (i) be at least 18 years old; and
 - (ii) have been a resident of Utah for 30 days immediately before that election; and
 - (d) has registered to vote.
- (2) A person may vote in the Western States Presidential Primary election or a regular primary election if that person:
 - (a) is a citizen of the United States;
 - (b) is a resident of Utah;
 - (c) will, on the date of that election:
 - (i) be at least 18 years old; and
 - (ii) have been a resident of Utah for 30 days immediately before that election;
 - (d) has registered to vote; and
 - (e) whose political party affiliation, or unaffiliated status, allows the voter to vote in the election.
- (3) A person may vote in a municipal general election, municipal primary, in a local special election, in a special district election, and in a bond election if that person:
 - (a) is a citizen of the United States;
 - (b) is a resident of Utah;
 - (c) is a resident of the local entity that is holding the election;
 - (d) will, on the date of the election:
 - (i) be at least 18 years old; and
 - (ii) have been a resident of Utah for 30 days immediately before the election; and
 - (e) has registered to vote.

Amended by Chapter 177, 2002 General Session

20A-3-102. Voting by secret ballot.

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each special district election, and at each bond election shall be by secret ballot.

Enacted by Chapter 1, 1993 General Session

20A-3-104. Manner of voting.

- (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.
- (b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.
- (c) If the voter is voting for the first time in the jurisdiction or is otherwise required to present proof of identity or proof of residence as indicated by a notation in the official register, the election judge shall request proof of identity or proof of residence from the voter.
- (d) If the election judge is satisfied that the voter has established proof of identity and proof of residence, the election judge shall:
 - (i) record the type of proof of identity or proof of residence provided by the voter in the appropriate space in the official register; and
 - (ii) follow the procedures of Subsection (3).
- (e) If the election judge is not satisfied that the voter has established proof of identity or proof of residence, the election judge shall:

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

(ii) issue the voter a provisional ballot; and

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

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

(2) (a) When the voter is properly identified, the election judge in charge of the official register shall check the official register to determine whether or not the person is registered to vote.

(b) If the voter's name is not found on the official register, the election judge shall follow the procedures and requirements of Section **20A-3-105.5**.

(3) If the election judge determines that the voter is registered:

(a) the election judge in charge of the official register shall:

(i) write the ballot number opposite the name of the voter in the official register; and

(ii) direct the voter to sign his name in the election column in the official register;

(b) another judge shall list the ballot number and voter's name in the pollbook; and

(c) the election judge having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) hand the voter a ballot; and

(iv) allow the voter to enter the voting booth.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 37, 2003 General Session

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

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

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

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

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

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

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

(2) (a) (i) If ballot cards are used, the voter shall insert the ballot card into the voting device and mark the ballot card according to the instructions provided on the device.

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

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

(b) After the voter has marked the ballot card, the voter shall either:

(i) place the ballot card inside the secrecy envelope, if one is provided; or

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

(c) If the ballot is a provisional ballot, the voter shall place the ballot card in the provisional ballot envelope and complete the information printed on the envelope.

(3) (a) After preparation of the ballot, the voter shall:

(i) leave the voting booth; and

(ii) announce his name to the election judge in charge of the ballot box.

- (b) The election judge in charge of the ballot box shall:
 - (i) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;
 - (ii) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the election judge, remove the stub from the ballot; and
 - (iii) return the ballot to the voter.
- (c) The voter shall, in full view of the election judges, cast his vote by depositing the ballot in the ballot box.
- (d) (i) The election judge may not accept a ballot from which the stub has been detached.
- (ii) The election judge shall treat a ballot from which the stub has been detached as a spoiled ballot and shall provide the voter with a new ballot and dispose of the spoiled ballot as provided in Section **20A-3-107**.
- (4) A voter voting a paper ballot in a regular primary election shall, after marking the ballot:
 - (a) (i) if the ballot is designed so that the names of all candidates for all political parties are on the same ballot, detach the part of the paper ballot containing the names of the candidates of the party he has voted from the remainder of the paper ballot;
 - (ii) fold that portion of the paper ballot so that its face is concealed; and
 - (iii) deposit it in the ballot box; and
 - (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and
 - (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.
- (5) (a) Each voter shall mark and deposit the ballot without delay and leave the voting area after voting.
- (b) A voter may not:
 - (i) occupy a voting booth occupied by another, except as provided in Section **20A-3-108**;
 - (ii) remain within the voting area more than ten minutes; or
 - (iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy them.
- (6) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.
- (7) The election judges may not allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:
 - (a) election officials;
 - (b) watchers; or
 - (c) assisting voters with a disability.

Amended by Chapter 177, 2002 General Session

20A-3-105.5. Manner of voting -- Provisional ballot.

- (1) The election judges shall follow the procedures and requirements of this section when:
 - (a) the person's right to vote is challenged as provided in Section **20A-3-202**; or
 - (b) the person's name is not found on the official register.
- (2) When faced with one of the circumstances outlined in Subsection (1), the election judge shall:
 - (a) request that the person provide proof of identity and proof of residence; and
 - (b) review the proof of identity and proof of residence provided by the person.
- (3) If the election judge is satisfied that the person has established the person's identity and residence in the voting precinct:
 - (a) the election judge in charge of the official register shall:
 - (i) record in the official register the type of source documents that established the person's proof of identity and proof of residence;
 - (ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
 - (iii) direct the voter to sign his name in the election column in the official register;
 - (b) another judge shall list the ballot number and voter's name in the pollbook; and
 - (c) the election judge having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) give the voter a ballot and a provisional ballot envelope; and

(iv) allow the voter to enter the voting booth.

(4) If the election judge is not satisfied that the voter has provided sufficient proof of identity and proof of residence:

(a) the election judge in charge of the official register shall:

(i) record in the official register that the voter did not provide adequate proof of identity and proof of residence;

(ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and

(iii) direct the voter to sign his name in the election column in the official register;

(b) another judge shall list the ballot number and voter's name in the pollbook; and

(c) the election judge having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) give the voter a ballot and a provisional ballot envelope; and

(iv) allow the voter to enter the voting booth.

(5) Whenever the election officer is required to furnish more than one kind of official ballot to a voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 34, 2003 General Session

Amended by Chapter 131, 2003 General Session

Amended by Chapter 117, 2003 General Session

20A-3-107. No ballots may be taken away -- Spoiled ballots.

(1) A person may not take or remove any ballot from the polling place before the close of the polls.

(2) If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.

(3) If any ballot is spoiled by the printer or an election judge, the election judge shall give the voter a new ballot.

(4) The election judge shall:

(a) immediately write the word "spoiled" across the face of the ballot; and

(b) place the ballot in the envelope for spoiled ballots.

Enacted by Chapter 1, 1993 General Session

20A-3-108. Assisting disabled, illiterate, or blind voters.

(1) Any voter who is blind, disabled, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by a person of the voter's choice.

(2) The person providing assistance may not be:

(a) the voter's employer;

(b) an agent of the employer;

(c) an officer or agent of the voter's union; or

(d) a candidate.

(3) The person providing assistance may not request, persuade, or otherwise induce the voter to vote for or vote against any particular candidate or issue or release any information regarding the voter's selection.

(4) Each time a voter is assisted, the election judge shall note that fact in the official register and the pollbook.

Enacted by Chapter 1, 1993 General Session

20A-3-109. Instructions to voters.

(1) If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two election judges, each from a different political party, shall instruct the voter.

(2) After instructing the voter, and before the voter has cast his vote, the election judges shall leave the voting booth so that the voter may vote in secret.

(3) An election judge instructing a voter about the voting process may not request, suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any particular candidate, or for or against any ballot proposition.

Enacted by Chapter 1, 1993 General Session

19. POLL WATCHERS AND CHALLENGES TO VOTERS

20A-3-201. Watchers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by Chapter 22, 1999 General Session

20A-2-202. Registration by mail.

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

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

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

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

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

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

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

or

(B) submit proof of identification or proof of residence to the election judge at the time the citizen votes.

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

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

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

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

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

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

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

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

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

(ii) record the new voters in the official register and posting list.

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

Amended by Chapter 117, 2003 General Session

20A-2-203. Satellite location -- Registration by satellite registrar.

(1) (a) Each county clerk shall designate sufficient satellite registration locations to ensure that voters in all parts of the county have the opportunity to register to vote.

(b) A county clerk may designate as many satellite locations as desired.

(2) (a) Any person who meets the voter registration requirements may register to vote with a satellite registrar at any satellite location within the person's county of residence between 8 a.m. and 8 p.m.:

(i) on the Friday and Monday, the eighth and eleventh day, before the regular primary election in counties holding a primary election;

(ii) on the Friday and Monday, the eighth and eleventh day, before the regular general election;

(iii) on the Friday and Monday, the eighth and eleventh day, before the municipal primary election in municipalities holding a municipal primary election; and

(iv) on the Friday and Monday, the eighth and eleventh day, before the municipal general election.

(b) Each satellite registrar shall register to vote all persons who:

(i) present themselves for registration; and

(ii) are legally qualified and entitled to vote in that voting precinct on election day.

(3) (a) Unless the voter is registering for the first time, a voter may not designate or change the voter's political party affiliation at the satellite location for voter registration on the dates established in Subsection (2)(a)(i) for primary election voter registration.

(b) A voter wanting to change political party affiliation shall comply with the requirements of Section **20A-2-107**.

(4) For municipal elections, the municipality in which the registration is made shall pay the expenses of registration.

Amended by Chapter 117, 2003 General Session

Amended by Chapter 249, 2003 General Session

20. VOTING OFFENSES

20A-3-501. Polling place -- Prohibited activities.

(1) As used in this section:

(a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and

(b) "polling place" means the physical place where ballots and absentee ballots are cast and includes the county clerk's office or city hall during the period in which absentee ballots may be cast there.

(2) (a) A person may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:

(i) do any electioneering;

(ii) circulate cards or handbills of any kind;

(iii) solicit signatures to any kind of petition; or

(iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.

(b) A county, municipality, school district, or special district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.

(3) (a) A person may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest any person creating an obstruction.

(4) A person may not:

(a) remove any ballot from the polling place before the closing of the polls, except as provided in Section

20A-4-101; or

(b) solicit any voter to show his ballot.

(5) A person may not receive a voted ballot from any voter or deliver an unused ballot to a voter unless that person is an election judge.

(6) Any person who violates any provision of this section is guilty of a class A misdemeanor.

(7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Amended by Chapter 127, 2003 General Session

20A-3-502. Intimidation -- Undue influence.

(1) (a) It is unlawful for any person, directly or indirectly, by himself or by any other person on his behalf, to make use of any force, violence, or restraint, or to inflict or threaten the infliction of, by himself or through any other person, any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel that person to:

(i) vote or refrain from voting for any particular person or measure at any election provided by law; or

(ii) vote or refrain from voting at any election.

(b) It is unlawful for any person by abduction or duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in giving or refraining from giving his vote at any election, or in giving or refraining from giving his vote for any particular person at any election.

(c) It is unlawful for any employer, corporation, association, company, firm, or person to:

(i) enclose their employees' salary or wages in envelopes on which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employees; or

(ii) within 90 days of any election provided by law to put up, or otherwise exhibit, in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where employees may be working or be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:

- (A) work in the establishment will cease in whole or in part;
 - (B) the establishment will be closed;
 - (C) wages of workmen be reduced; or
 - (D) other threats, express or implied, intended or calculated to influence the political opinions or actions of employees.
- (2) Any person, whether acting in his individual capacity or as an officer or agent of any corporation, who violates any of the provisions of this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-503. Influencing employee's vote.

- (1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.
- (2) (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.
- (b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law.

Enacted by Chapter 1, 1993 General Session

20A-3-504. Violations -- Penalties.

- (1) Except as allowed by Section **20A-3-108**, a person is guilty of a class C misdemeanor if:
- (a) he allows his ballot to be seen by any other person with an intent to reveal how he is about to vote;
 - (b) he states falsely that he is unable to mark his ballot;
 - (c) he interferes or attempts to interfere with any person who is inside the voting booth or who is marking a ballot; or
 - (d) he induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how he marked his ballot.
- (2) The election judges and clerks shall report any person violating this section to the county attorney or district attorney having state criminal jurisdiction for prosecution.

Amended by Chapter 38, 1993 General Session

20A-3-505. False impersonation -- Double voting.

- (1) (a) It is unlawful for any person to apply for a ballot in the name of some other person, whether it is that of a person living or dead, or of a fictitious person, or who, having voted once at a primary or election, applies at the same election for a ballot in his own name or any other name.
- (b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for not less than one nor more than three years.
- (2) (a) It is unlawful for any person to aid, abet, counsel, or procure another person to commit the felony prohibited in Subsection (1).
- (b) Any person who violates this subsection is guilty of a felony and shall be punished by imprisonment in the state prison for not less than one nor more than three years.

Amended by Chapter 2, 1994 General Session

21. ELECTION RETURNS AND ELECTION CONTESTS

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

- (1) Each county legislative body or municipal legislative body that has voting precincts that use paper ballots and each election judge in those voting precincts shall comply with the requirements of this section.
- (2) (a) Each county legislative body or municipal legislative body shall provide:

- (i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed; and
- (ii) a counting room for the use of the election judges counting the ballots during the day.
- (b) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:
 - (i) close the first ballot box and deliver it to the counting judges; and
 - (ii) prepare and use another ballot box to receive voted ballots.
- (c) Upon receipt of the ballot box, the counting judges shall:
 - (i) take the ballot box to the counting room;
 - (ii) count the votes on the regular ballots in the ballot box;
 - (iii) place the provisional ballot envelopes in the envelope or container provided for them for return to the election officer; and
 - (iv) when they have finished counting the votes in the ballot box, return the emptied box to the receiving judges.
- (d) (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and
- (ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots contained in that box.
- (e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.
- (3) Counting poll watchers appointed as provided in Section **20A-3-201** may observe the count.
- (4) The counting judges shall apply the standards and requirements of Section **20A-4-104** to resolve any questions that arise as they count the ballots.

Amended by Chapter 177, 2002 General Session

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

- (1) (a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.
- (b) The election judges shall apply the standards and requirements of Section **20A-4-105** to resolve any questions that arise as they count the ballots.
- (2) (a) First, the election judges shall count the number of ballots in the ballot box.
- (b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.
- (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.
- (c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.
- (ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.
- (iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.
- (d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.
- (3) The judges shall:
 - (a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and
 - (b) seal that envelope or container.
- (4) The judges shall:
 - (a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and
 - (b) seal that envelope or container.
- (5) (a) In counting the votes, the election judges shall read and count each ballot separately.

- (b) In regular primary elections the judges shall:
 - (i) count the number of ballots cast for each party;
 - (ii) place the ballots cast for each party in separate piles; and
 - (iii) count all the ballots for one party before beginning to count the ballots cast for other parties.
- (6) (a) In all elections, the counting judges shall:
 - (i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;
 - (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;
 - (iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section **20A-9-601**;
 - (iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;
 - (v) evaluate each ballot and each vote based on the standards and requirements of Section **20A-4-105**;
 - (vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and
 - (vii) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.
- (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.
- (c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.
- (d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.
- (7) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

Amended by Chapter 177, 2002 General Session

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

- (1) (a) In voting precincts using ballot cards, as soon as the polls have been closed and the last qualified voter has voted, the election judges shall prepare the ballot cards for delivery to the counting center as provided in this section.
- (b) The election judges, election officers, and other persons may not manually count any votes before delivering the ballots to the counting center.
- (2) The judges shall:
 - (a) place all of the provisional ballot envelopes in the envelope or container provided for them for return to the counting center; and
 - (b) seal that envelope or container.
- (3) (a) The judges shall check each secrecy envelope to see if either contains any write-in votes.
- (b) If a secrecy envelope does not contain any write-in votes, the election judges shall remove the ballot card from the secrecy envelope.
- (c) If a secrecy envelope contains any write-in votes, the election judges may not separate the ballot card from the secrecy envelope.
- (4) The election judges shall place:
 - (a) the voted ballot cards and one copy of the statement of disposition of ballots in the transfer case;
 - (b) the other copy of the statement of disposition of ballots, the pollbook, any unprocessed absentee ballots, the judges' pay vouchers, the official register, and the spoiled ballot envelope in the carrier envelope provided; and
 - (c) the other election materials in the election supply box.

Amended by Chapter 177, 2002 General Session

20A-4-104. Counting ballots electronically.

- (1) (a) Before beginning to count ballot cards using automatic tabulating equipment, the election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.
- (b) The election officer shall publish public notice of the time and place of the test at least 48 hours before the test in one or more daily or weekly newspapers of general circulation published in the county, municipality, or jurisdiction where the equipment is used.
- (c) The election officer shall conduct the test by processing a preaudited group of ballot cards.
- (d) The election officer shall ensure that:
 - (i) a predetermined number of valid votes for each candidate and measure are recorded on the ballot cards;
 - (ii) for each office, one or more ballot cards have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and
 - (iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.
- (e) If any error is detected, the election officer shall determine the cause of the error and correct it.
- (f) The election officer shall ensure that:
 - (i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and
 - (ii) the automatic tabulating equipment passes the same test at the end of the count before the election returns are approved as official.
- (2) (a) The election officer or his designee shall supervise and direct all proceedings at the counting center.
- (b) (i) Proceedings at the counting center are public and may be observed by interested persons.
- (ii) Only those persons authorized to participate in the count may touch any ballot, ballot card, or return.
- (c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.
- (d) (i) Counting poll watchers appointed as provided in Section **20A-3-201** may observe the testing of equipment and actual counting of the ballot cards.
- (ii) Those counting poll watchers may make independent tests of the equipment before or after the vote count as long as the testing does not interfere in any way with the official tabulation of the ballot cards.
- (3) If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer shall:
 - (a) cause a true duplicate copy of the ballot card to be made with an identifying serial number;
 - (b) substitute the duplicate for the damaged ballot card;
 - (c) label the duplicate ballot card "duplicate"; and
 - (d) record the duplicate ballot card's serial number on the damaged or defective ballot card.
- (4) The election officer may:
 - (a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;
 - (b) release unofficial returns from time to time after the polls close; and
 - (c) report the progress of the count for each candidate during the actual counting of ballots.
- (5) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section **20A-4-107**.
- (6) (a) The election officer or his designee shall:
 - (i) separate, count, and tabulate any ballots containing valid write-in votes; and
 - (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter.
- (7) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.
- (b) Upon completion of the count, the election officer shall make official returns open to the public.

- (8) If for any reason it becomes impracticable to count all or a part of the ballot cards with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.
- (9) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section **20A-4-202**.

Amended by Chapter 177, 2002 General Session

20A-4-105. Standards and requirements for evaluating voter's ballot choices.

- (1) Each person counting ballots shall apply the standards and requirements of this section to resolve any questions that arise as ballots are counted.
- (2) Except as provided in Subsection (11), if a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the choice of any voter for any office to be filled, the counter may not count that voter's ballot for that office.
- (3) The counter shall count a defective or incomplete mark on any paper ballot if:
 - (a) it is in the proper place; and
 - (b) there is no other mark or cross on the paper ballot indicating the voter's intent to vote other than as indicated by the defective mark.
- (4)
 - (a) When the voter has marked the ballot so that it appears that the voter has voted more than one straight ticket, the election judges may not count any votes for party candidates.
 - (b) The election judges shall count the remainder of the ballot if it is voted correctly.
- (5) A counter may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot or group of ballots show an intent by a person or group to mark their ballots so that their ballots can be identified.
- (6)
 - (a) In counting the ballots, the counters shall give full consideration to the intent of the voter.
 - (b) The counters may not invalidate a ballot because of mechanical and technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3.
- (7) The counters may not reject a ballot because of any error in:
 - (a) stamping or writing any official endorsement; or
 - (b) delivering the wrong ballots to any polling place.
- (8) The counter may not count any paper ballot that does not have the official endorsement by an election officer.
- (9) If the counter discovers that the name of a candidate voted for is misspelled or that the initial letters of a candidate's given name are transposed or omitted in part or altogether, the counter shall count the voter's vote for that candidate if it is apparent that the voter intended to vote for that candidate.
- (10) The counter shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.
- (11) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter.

Amended by Chapter 56, 1999 General Session

20A-4-106. Paper ballots -- Sealing.

- (1)
 - (i) At all elections using paper ballots, as soon as the counting judges have read and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate strings.
 - (ii) After the ballots are strung, they may not be examined by anyone, except when examined during a recount conducted under the authority of Section **20A-4-401**.
- (b) The judges shall carefully seal all of the strung ballots in a strong envelope.
- (2)
 - (a) For regular primary elections, after all the ballots have been counted, certified to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate envelopes.
 - (b) The judges shall:
 - (i) seal each of the envelopes containing the votes of each of the political parties in one large envelope; and
 - (ii) return that envelope to the county clerk.

- (c) The judges shall:
 - (i) destroy the ballots in the blank ballot box; or
 - (ii) if directed to do so by the election officer, return them to the election officer for destruction.
- (3) As soon as the judges have counted all the votes and sealed the ballots they shall sign and certify the pollbooks.
- (4) (a) The judges, before they adjourn, shall:
 - (i) enclose and seal the official register, the posting book, the pollbook, all affidavits of registration received by them, the ballot disposition form, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;
 - (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been strung and placed in a separate envelope or pouch as required by Subsection (1);
 - (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot disposition form in a separate envelope or pouch;
 - (iv) place all provisional ballots in a separate envelope or pouch; and
 - (v) place the total votes cast form and the judges' vouchers requesting compensation for services rendered in a separate pouch.
- (b) Before enclosing the official register in the envelope or pouch, the election judges shall certify it substantially as follows:

"We, the undersigned, judges of election for precinct _____, (jurisdiction) _____, Utah, certify that the required entries have been made for the election held _____(month\day\year), including:

 - a list of the ballot numbers for each voter;
 - the voters' signatures, except where a judge has signed for the absentee voters;
 - a list of information surrounding a voter who is challenged, including any affidavits; and
 - a notation for each time a voter was assisted with a ballot."
- (5) Each judge shall:
 - (a) write his name across the seal of each envelope or pouch;
 - (b) mark on the exterior of the envelope or pouch:
 - (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other words plainly indicating the contents of the packages; and
 - (ii) the number of the voting precinct.

Amended by Chapter 177, 2002 General Session

20A-4-107. Review and disposition of provisional ballot envelopes.

- (1) As used in this section, a voter is "legally entitled to vote" if:
 - (a) the voter:
 - (i) is registered to vote in the county;
 - (ii) resides within the voting precinct where the voter seeks to vote; and
 - (iii) provided sufficient proof of identity and proof of residence to the election judge as indicated by a notation in the official register;
 - (b) the voter:
 - (i) is registered to vote in the county; and
 - (ii) did not vote in the voter's precinct of residence, but the ballot that the voter voted is identical to the ballot voted in the voter's precinct of residence; or
 - (c) the voter:
 - (i) is registered to vote in the county;
 - (ii) the judge recorded in the official register that the voter either failed to provide proof of identity and proof of residence or the proof of identity and proof of residence was inadequate; and
 - (iii) the county clerk verifies the voter's proof of identity and proof of residence through some other means.

- (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review the affirmation on the face of each provisional ballot envelope and determine if the person signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter voted.
- (b) If the election officer determines that the person is not a registered voter or is not legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot envelope, unopened, for the period specified in Section **20A-4-202** unless ordered by a court to produce or count it.
- (c) If the election officer determines that the person is a registered voter and is legally entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from the provisional ballot envelope and place the ballot with the absentee ballots to be counted with those ballots at the canvass.
- (d) The election officer may not count, or allow to be counted a provisional ballot unless the voter's proof of identity and proof of residence is established by a preponderance of the evidence.
- (3) If the election officer determines that the person is a registered voter, the election officer shall ensure that the voter registration records are updated to reflect the information provided on the provisional ballot envelope.
- (4) If the election officer determines that the person is not a registered voter and the information on the provisional ballot envelope is complete, the election officer shall:
 - (a) consider the provisional ballot envelope a voter registration form; and
 - (b) register the voter.

Amended by Chapter 34, 2003 General Session

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

- (1) One judge shall deliver the ballot box, the lock, and the key to:
 - (a) the election officer; or
 - (b) the location directed by the election officer.
- (2) (a) Before they adjourn, the election judges shall:
 - (i) for paper ballots, choose one of their number to deliver the election returns to the election officer; and
 - (ii) for ballot cards, choose two of their number, each from a different political party, to deliver the election returns to the counting center.
- (b) That judge or those judges shall:
 - (i) deliver the unopened envelopes or pouches to the election officer or counting center immediately but no later than 24 hours after the polls close; or
 - (ii) if the polling place is 15 miles or more from the county seat, mail the election returns to the election officer by registered mail from the post office most convenient to the polling place within 24 hours after the polls close.
- (3) The election officer shall pay each election judge that transports election returns \$2 plus 30 cents per mile, one way, for every mile necessarily traveled between the polling place and the place of delivery.

Amended by Chapter 3, 1996 Special Session 2

20A-4-202. Election officers -- Disposition of ballots.

- (1) (a) Upon receipt of the election returns from an election judge, the election officer shall:
 - (i) ensure that the election judge has provided all of the ballots and election returns;
 - (ii) inspect the ballots and election returns to ensure that they are sealed;
 - (iii) (A) for paper ballots, deposit and lock the ballots and election returns in a safe and secure place; or (B) for punch card ballots:
 - (I) count the ballots; and
 - (II) deposit and lock the ballots and election returns in a safe and secure place; and
 - (iv) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.
- (b) Inspecting poll watchers appointed as provided in Section **20A-3-201** may be present and observe the election officer's receipt, inspection, and deposit of the ballots and election returns.
- (2) Each election officer shall:

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

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

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

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

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

(b) The election officer:

(i) may access these tabulating cards and other materials;

(ii) may make copies of these materials and make changes to the copies;

(iii) may not alter or make changes to the materials themselves; and

(iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.

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

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

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

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

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

(ii) destroy the ballots and election returns remaining in his custody without opening or examining them if the time for preserving them under this section has run.

Amended by Chapter 228, 1993 General Session

Amended by Chapter 105, 2005 General Session

20A-4-301. Board of canvassers.

(1) (a) Each county legislative body is the board of county canvassers for:

(i) the county; and

(ii) each special district whose election is conducted by the county.

(b) (i) Except as provided in Subsection (1)(b)(ii), the board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at a date and time determined by the county clerk that is no sooner than seven days after the election and no later than 14 days after the election.

(ii) When canvassing returns for the Western States Presidential Primary, the board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at noon on the Thursday after the election.

(c) If one or more of the county legislative body fails to attend the meeting of the board of county canvassers, the remaining members shall replace the absent member by appointing in the order named:

(i) the county treasurer;

(ii) the county assessor; or

(iii) the county sheriff.

(d) The board of county canvassers shall always consist of three acting members.

(e) The county clerk is the clerk of the board of county canvassers.

(2) (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

(b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:

(i) for canvassing of returns from a municipal general election, no sooner than seven days after the election and no later than 14 days after the election; or

(ii) for canvassing of returns from a municipal primary election, no sooner than three days after the election and no later than seven days after the election.

(3) (a) *The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.*

(b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.

Amended by Chapter 11, 2002 Special Session 5

Amended by Chapter 105, 2005 General Session

20A-4-302. Duties of the board of canvassers -- Receiving returns.

(1) If the election returns from each voting precinct in which polls were opened have been received at the time the board of canvassers convenes, the board of canvassers shall canvass the election returns as provided in this part.

(2) If all of the election returns have not been received, the board shall postpone the canvass from day to day, Sundays and legal holidays excepted, until:

- (a) all of the election returns are received; or
- (b) the board has postponed the canvass seven times.

(3) (a) If the election officer has not received the election returns from any voting precinct within seven days after the election, the election officer shall send a messenger to the judges to obtain the missing election returns.

(b) The messenger shall obtain the election returns from the judges and return the election returns to the election officer.

(c) The election officer shall pay the messenger ten cents per mile for the distance necessarily traveled.

(4) If the board determines that election returns were not received from a voting precinct because the polls did not open in that precinct, the board shall:

- (a) sign a certificate attesting to that fact; and
- (b) file the certificate with the election officer.

Enacted by Chapter 1, 1993 General Session

20A-4-303. Duties of the board of canvassers -- Canvassing the returns.

(1) (a) The board of canvassers shall canvass the election returns by publicly opening the returns and determining from them the votes of each voting precinct for:

- (i) each person voted for; and
 - (ii) for and against each ballot proposition voted upon at the election.
- (b) The board of canvassers shall, once having begun the canvass, continue until it is completed.

(2) In canvassing returns, the board of canvassers may not:

- (a) reject any election returns if the board can determine the number of votes cast for each person from it;
- (b) reject any election returns if the election returns:

- (i) do not show who administered the oath to the judges of election;
- (ii) show that the election judges failed to fill out all the certificates in the pollbooks; or

(iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; or

(c) reject any returns from any voting precinct that do not conform with the requirements for making, certifying, and returning the returns if those returns are sufficiently explicit to enable the board of canvassers to determine the number of votes cast for each person and for and against each ballot proposition.

(3) (a) If it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, they shall transmit the election returns to the election judges for correction.

(b) Upon receipt of the election returns for correction from the board of canvassers, the election judges shall correct the election returns as required by the facts.

(c) The clerk and the board of canvassers may adjourn from day to day to await receipt of corrected election material.

(4) If a recount is conducted as authorized by Section **20A-4-401**, the board of canvassers shall canvass the results of that recount as provided in this section and Section **20A-4-401**.

Amended by Chapter 133, 2002 General Session

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

- (1) Each board of canvassers shall:
 - (a) declare "elected" or "nominated" those persons who:
 - (i) had the highest number of votes; and
 - (ii) sought election or nomination to an office completely within the board's jurisdiction;
 - (b) declare:
 - (i) "approved" those ballot propositions that:
 - (A) had more "yes" votes than "no" votes; and
 - (B) were submitted only to the voters within the board's jurisdiction;
 - (ii) "rejected" those ballot propositions that:
 - (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and
 - (B) were submitted only to the voters within the board's jurisdiction;
 - (c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and
 - (d) if applicable, certify the results of each special district election to the special district clerk.
 - (2) (a) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:
 - (i) the total number of votes cast in the board's jurisdiction;
 - (ii) the names of each candidate whose name appeared on the ballot;
 - (iii) the title of each ballot proposition that appeared on the ballot;
 - (iv) each office that appeared on the ballot;
 - (v) from each voting precinct:
 - (A) the number of votes for each candidate; and
 - (B) the number of votes for and against each ballot proposition;
 - (vi) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition; and
 - (vii) a statement certifying that the information contained in the report is accurate.
 - (b) The election officer and the board of canvassers shall:
 - (i) review the report to ensure that it is correct; and
 - (ii) sign the report.
 - (c) The election officer shall:
 - (i) record or file the certified report in a book kept for that purpose;
 - (ii) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
 - (iii) publish a copy of the certified report in a newspaper with general circulation in the board's jurisdiction and post it in a conspicuous place within the jurisdiction; and
 - (iv) file a copy of the certified report with the lieutenant governor.
- (3) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:
 - (a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and
 - (b) transmit it by registered mail to the lieutenant governor.
- (4) In each county election, municipal election, school election, special district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days of the canvass.
- (5) In regular primary elections and in the Western States Presidential Primary, the board shall transmit to the lieutenant governor:
 - (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor:
 - (i) not later than the second Tuesday after the primary election for the regular primary election; and
 - (ii) not later than the Friday after the election for the Western States Presidential Primary; and
 - (b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Amended by Chapter 11, 2002 Special Session 5

20A-4-305. Delivery of checked official register to county clerk after canvass.

Within ten days after the canvass of a November municipal election, special district election, bond election, or special election, the clerk or recorder shall transmit the checked official register and pollbook to the county clerk.

Amended by Chapter 24, 1997 General Session

20A-4-306. Statewide canvass.

- (1) (a) The state board of canvassers shall convene:
 - (i) on the fourth Monday of November, at noon; or
 - (ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.
- (b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.
- (2) (a) The state board of canvassers shall:
 - (i) meet in the lieutenant governor's office; and
 - (ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.
- (b) The lieutenant governor, as secretary of the board shall file a report in his office that details:
 - (i) for each statewide officer and ballot proposition:
 - (A) the name of the statewide office or ballot proposition that appeared on the ballot;
 - (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;
 - (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
 - (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition;
 - and
 - (E) the total number of votes cast statewide; and
 - (ii) for each officer or ballot proposition voted on in two or more counties:
 - (A) the name of each of those offices and ballot propositions that appeared on the ballot;
 - (B) the candidates for those offices, plus any recorded write-in candidates;
 - (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
 - and
 - (D) the total number of votes cast for each candidate and for and against each ballot proposition.
- (c) The lieutenant governor shall:
 - (i) prepare certificates of election for:
 - (A) each successful candidate; and
 - (B) each of the presidential electors of the candidate for president who received a majority of the votes;
 - (ii) authenticate each certificate with his seal; and
 - (iii) deliver a certificate of election to:
 - (A) each candidate who had the highest number of votes for each office; and
 - (B) each of the presidential electors of the candidate for president who received a majority of the votes.
- (3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:
 - (a) send a messenger to the clerk of the board of county canvassers of the delinquent county;
 - (b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section **20A-4-304** from the clerk; and
 - (c) pay the messenger the per diem provided by law as compensation.
- (4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.
- (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant governor shall:
 - (i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and
 - (ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the primary canvass to the county clerks not later than the August 1 after the primary election.

(6) (a) At noon on the third Thursday after the Western States Presidential Primary election, the lieutenant governor shall:

(i) canvass the returns; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the Western States Presidential Primary canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.

Amended by Chapter 11, 2002 Special Session 5

20A-4-401. Recounts -- Procedure.

(1) (a) (i) For any regular primary, regular general, or municipal general election, or the Western States Presidential primary, when any candidate loses by not more than a total of one vote per voting precinct, the candidate may file a request for a recount within seven days after the canvass with:

(A) the municipal clerk, if the election is a municipal election;

(B) the special district clerk, if the election is a special district election;

(C) the county clerk, for races or ballot propositions voted on entirely within a single county; or

(D) the lieutenant governor, for statewide races and ballot propositions and for multicounty races and ballot propositions.

(ii) For any municipal primary election, when any candidate loses by not more than a total of one vote per voting precinct, the candidate may file a request for a recount with the appropriate election officer within three days after the canvass.

(b) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that office;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting; and

(iv) declare elected the person receiving the highest number of votes on the recount.

(2) (a) Any ten voters who voted in an election when any ballot proposition or bond proposition was on the ballot may file a request for a recount with the appropriate election officer within seven days of the canvass.

(b) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that ballot proposition or bond proposition;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting; and

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

(c) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

(d) The voters requesting the recount shall pay the costs of the recount.

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

(4) (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.

(b) The board of canvassers shall:

(i) canvass the election returns for the race or proposition that was the subject of the recount; and

(ii) with the assistance of the election officer, prepare and sign the report required by Section **20A-4-304** or Section **20A-4-306**.

(c) If the recount is for a statewide or multicounty race or for a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection **20A-4-304(3)**

(d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Amended by Chapter 133, 2002 General Session

Amended by Chapter 105, 2005 General Session

20A-4-402. Election contests -- Grounds.

(1) The election or nomination of any person to any public office, and the declared result of the vote on any ballot proposition or bond proposition submitted to a vote of the people may be contested according to the procedures established in this part only:

- (a) for malconduct, fraud, or corruption on the part of the judges of election at any polling place, or of any board of canvassers, or any judge or member of the board sufficient to change the result;
- (b) when the person declared elected was not eligible for the office at the time of the election;
- (c) when the person declared elected has:
 - (i) given or offered to any registered voter, judge, or canvasser of the election any bribe or reward in money, property, or anything of value for the purpose of influencing the election; or
 - (ii) committed any other offense against the elective franchise;
- (d) when illegal votes have been received or legal votes have been rejected at the polls sufficient to change the result;
- (e) for any error of any board of canvassers or judges of election in counting the votes or declaring the result of the election, if the error would change the result;
- (f) when the election result would change because a sufficient number of ballots containing uncorrected errors or omissions have been received at the polls;
- (g) when the candidate declared elected is ineligible to serve in the office to which the candidate was elected;
- (h) when an election judge or clerk was a party to malconduct, fraud, or corruption sufficient to change the result of the election; and
 - (i) for any other cause that shows that another person was legally elected.

(2) Any irregularity or improper conduct by the election judges does not void an election unless the irregularity or improper conduct would result in the election of a person who did not receive the highest number of legal votes.

(3) When any election held for any office is contested because of any irregularity or improper conduct on the part of a judge of any voting precinct, a court, upon proof of the irregularity or improper conduct may not set aside the election unless the irregularity or improper conduct would change the result for that office.

Enacted by Chapter 1, 1993 General Session

Amended by Chapter 105, 2005 General Session

20A-4-403. Election contest -- Petition and response.

(1) (a) In contesting the results of all elections, except for primary elections and bond elections, a registered voter shall contest the right of any person declared elected to any office by filing a verified written complaint with the district court of the county in which he resides within 40 days after the canvass.

- (b) The complaint shall include:
 - (i) the name of the party contesting the election;
 - (ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;
 - (iii) the name of the person whose right to the office is contested;
 - (iv) the office to which that person was ostensibly elected;
 - (v) one or more of the grounds for an election contest specified in Section **20A-4-402**;
 - (vi) the person who was purportedly elected to the office as respondent; and
 - (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

- (i) illegal votes were given in one or more specified voting precincts to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

(ii) that legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(2) (a) In contesting the results of a primary election, when contesting the petition nominating an independent candidate, or when challenging any person, election officer, election official, board, or convention for failing to nominate a person, a registered voter shall contest the right of any person declared nominated to any office by filing a verified written complaint within ten days from the date of the primary election, filing of the petition, or date of the convention with:

(i) the district court of the county in which he resides if he is contesting a nomination made only by voters from that county; or

(ii) the Utah Supreme Court, if he is contesting a nomination made by voters in more than one county.

(b) The complaint shall include:

(i) the name of the party contesting the nomination;

(ii) a statement that the contesting party is a registered voter in the jurisdiction in which the election was held;

(iii) the name of the person whose right to nomination is contested or the name of the person who failed to have their name placed in nomination;

(iv) the office to which that person was nominated or should have been nominated;

(v) one or more of the grounds for an election contest specified in Subsection (1);

(vi) the person who was purportedly nominated to the office as respondent; and

(vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were given to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

(ii) legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any the votes described in Subsection (2)(c), unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(3) (a) In contesting the results of a bond election, a registered voter shall contest the validity of the declared results by filing a verified written complaint with the district court of the county in which he resides within 40 days after the date of the official finding entered under Section **11-14-207**.

(b) The complaint shall include:

(i) the name of the party contesting the election;

(ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;

(iii) the bond proposition that is the subject of the contest;

(iv) one or more of the grounds for an election contest specified in Section **20A-4-402**; and

(v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were counted in one or more specified voting precincts which, if taken out of the count, would change the declared result of the vote on the proposition; or

(ii) legal votes were rejected in one or more specified voting precincts, which, if counted, would change the declared result of the vote on the proposition.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (3)(c) unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(4) The court may not reject any statement of the grounds of contest or dismiss the proceedings because of lack of form, if the grounds of the contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.

(5) (a) The petitioner shall serve a copy of the petition on the respondent.

(b) (i) If the petitioner cannot obtain personal service of the petition on the respondent, the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the court with which the petition was filed.

(ii) The clerk shall make diligent inquiry and attempt to inform the respondent that he has five days to answer the complaint.

(c) The respondent shall answer the petition within five days after the service.

(d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the defendant shall set forth in the answer the name and address of all persons whom the defendant believes were properly or improperly admitted or denied the vote.

(e) If the answer contains a counterclaim, the petitioner shall file a reply within ten days after service of the counterclaim.

(6) (a) The provisions of this Subsection (6) provide additional requirements that apply to municipal election contests that are in addition to the other requirements of this section governing election contest.

(b) Municipal election contests shall be filed, tried, and determined in the district court of the county in which the municipality is located.

(c) (i) As a condition precedent to filing a municipal election contest, the petitioner shall file a written affidavit of intention to contest the election with the clerk of the court within seven days after the votes are canvassed.

(ii) The affidavit shall include:

(A) the petitioner's name;

(B) the fact that the petitioner is a qualified voter of the municipality;

(C) the respondent's name;

(D) the elective office contested;

(E) the time of election; and

(F) the grounds for the contest.

(d) (i) Before the district court takes jurisdiction of a municipal election contest, the petitioner shall file a bond with the clerk of the court with the sureties required by the court.

(ii) The bond shall name the respondent as obligee and be conditioned for the payment of all costs incurred by the respondent if the respondent prevails.

Enacted by Chapter 1, 1993 General Session

Amended by Chapter 105, 2005 General Session

20A-4-404. Election contest -- Calendaring and disposition.

(1) (a) Upon receipt of the petition, the clerk shall inform the chief judge of the court having jurisdiction.

(b) The chief judge shall issue an order:

(i) assigning the case to a district court judge, if the district court has jurisdiction; and

(ii) setting a date and time, not less than ten nor more than 30 days from the date the petition was filed to hear and determine the contest.

(c) The clerk shall:

- (i) issue a subpoena for the person whose right to the office is contested to appear at the time and place specified in the order; and
- (ii) cause the subpoena to be served.
- (2) The court shall meet at the time and place designated to determine the contest.
- (3) (a) If it is necessary for the court to inspect the ballots of any voting precinct in order to determine any election contest the judge may order the proper officer to produce them.
- (b) The judge shall:
 - (i) open and inspect the ballots in open court in the presence of the parties or their attorneys; and
 - (ii) immediately after the inspection, seal them in an envelope and return them, by mail or otherwise, to their legal custodian.
- (4) (a) If the petition, response, or counterclaim alleges an error in the canvass sufficient to change the result, the court may order and conduct a recount of the ballots or vote tabulation.
- (b) The court may also require the production of any documents, records, and other evidence necessary to enable it to determine the legality or illegality of any vote cast or counted.
- (c) (i) After all the evidence in the contest is submitted, the court shall enter its judgment, either confirming the election result or annulling and setting aside the election.
- (ii) If the court determines that a person other than the one declared elected received the highest number of legal votes, the court shall declare that person elected.

Enacted by Chapter 1, 1993 General Session

20A-4-405. Election contests -- Costs.

- (1) The court shall enter judgment for costs against the party contesting the election if:
 - (a) the proceedings are dismissed for:
 - (i) insufficiency of pleading or proof; or
 - (ii) want of prosecution; or
 - (b) the election is confirmed by the court.
- (2) The court shall enter judgment for costs against the party whose election was contested if the election is annulled and set aside.
- (3) (a) Each party is liable for the costs of the officers and witnesses that appeared on his behalf.
- (b) The party may pay, and the officers and witnesses may collect, those costs in the same manner as similar costs are paid and collected in other cases.

Enacted by Chapter 1, 1993 General Session

20A-4-406. Election contests -- Appeal.

- (1) (a) Either party may appeal the district court's judgment to the Supreme Court as in other cases of appeal from the district court.
- (b) When an appeal is taken, the district court may not stay execution or proceedings, except execution for costs.
- (2) Whenever an election is annulled or set aside by the judgment of a court and no appeal is taken within ten days, the certificate of election, if any has been issued, is void, and the office is vacant.

Enacted by Chapter 1, 1993 General Session

20A-4-501. Election returns -- Forgery.

- (1) It is unlawful for any person to:
 - (a) forge or counterfeit any election returns from any election purporting to have been held at any voting precinct where no election was in fact held;
 - (b) willfully substitute any forged or counterfeit election returns in the place of the true return for a voting precinct where any election was actually held; or
 - (c) commit or cause any fraud in any election in any manner.
- (2) Each person who violates this section may be sentenced to imprisonment in the state prison for a term of not less than two nor more than ten years.

Enacted by Chapter 1, 1993 General Session

20A-4-502. Altering vote count or returns.

(1) It is unlawful for any person to:

- (a) willfully add to or subtract from the votes actually cast at an election in any election returns; or
- (b) alter any election returns.

(2) Any person who violates this section may be sentenced to imprisonment in the state prison for not less than one nor more than five years.

Enacted by Chapter 1, 1993 General Session

20A-4-503. Abetting forgery or alteration.

(1) It is unlawful for any person to willfully aid or abet in the commission of any of the offenses defined in this part.

(2) Each person who violates this section may be sentenced to imprisonment in the state prison for a period not exceeding two years.

Enacted by Chapter 1, 1993 General Session

20A-4-504. Interfering with count.

(1) It is unlawful for any person to intentionally ascertain, or attempt to ascertain, the progress or state of the count before the ballot count is completed in the voting precinct, or before 8 p.m., whichever is later.

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

Enacted by Chapter 1, 1993 General Session

20A-4-505. Communicating about the count.

(1) It is unlawful for any election judge to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.

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

Enacted by Chapter 1, 1993 General Session

22. OFFENSES INVOLVING ELECTION ADMINISTRATION

20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.

(1) It is unlawful for any election judge to willfully neglect his duty or to willfully act corruptly in discharging his duty.

(2) Any election judge who violates this section is guilty of a felony and, upon conviction, shall be punished by a fine of \$500 or by confinement in the state prison for not less than one year or both.

Amended by Chapter 12, 1994 General Session

20A-5-702. Destroying or concealing ballots.

(1) It is unlawful for any person, or officer having charge of official ballots, to destroy, suppress, or conceal them, except authorized by this title.

(2) Any person who violates this section is guilty of a felony, and shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

Enacted by Chapter 1, 1993 General Session

20A-5-703. Neglect or refusal to deliver ballots or returns.

(1) It is unlawful for any person or officer who has undertaken to deliver official ballots or election returns to any voting precinct or to any election judge or election officer to neglect, refuse, or fail to do so.

(2) Any person who violates this subsection is guilty of a class A misdemeanor and shall be imprisoned for not less than six months, and fined not less than \$250.

Amended by Chapter 21, 1994 General Session

20A-5-705. Officer or watcher revealing vote.

(1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted, or to communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.

(2) Any election official or watcher who violates this section is guilty of a class A misdemeanor and shall be imprisoned for not less than six months, and fined not less than \$250.

Enacted by Chapter 1, 1993 General Session

23. ELECTION LAW CONTROVERSIES

20A-1-401. Election laws -- Liberally construed -- Computation of time.

(1) Courts and election officers shall construe the provisions of Title 20A, Election Code, liberally to carry out the intent of this title.

(2) Saturdays, Sundays, and holidays shall be included in all computations of time made under the provisions of Title 20A, Election Code.

Amended by Chapter 228, 1993 General Session

20A-1-402. Election officer to render interpretations and make decisions.

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter.

Enacted by Chapter 1, 1993 General Session

20A-1-403. Errors or omissions in ballots.

(1) The election officer shall, without delay, correct any errors in paper ballots or ballot labels that he discovers, or that are brought to his attention, if those errors can be corrected without interfering with the timely distribution of the paper ballots or ballot labels.

(2) (a) (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, a candidate or his agent may file, without paying any fee, a petition for ballot correction with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The petition shall contain:

(i) an affidavit signed by the candidate or his agent identifying the error or omission; and

(ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.

(3) (a) After reviewing the petition, the court shall:

(i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(iii) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

(b) The court may assess costs, including a reasonable attorney's fee, against either party.

Enacted by Chapter 1, 1993 General Session

20A-1-404. Election controversies.

(1) (a) (i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The verified petition shall identify concisely the nature of the controversy and the relief sought.

(2) After reviewing the petition, the court shall:

(a) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(b) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

Enacted by Chapter 1, 1993 General Session

24. ELECTION OFFENSES – GENERALLY; Utah Code Sections 20A-1-601 through 20A-1-611

20A-1-601. Bribery in elections.

(1) It is unlawful for any person, directly or indirectly, by himself or through any other person to:

(a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:

(i) to induce the voter to vote or refrain from voting at any election provided by law;

(ii) to induce any voter to vote or refrain from voting at an election for any particular person or persons;

(iii) to induce a voter to go to the polls or remain away from the polls at any election;

(iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or

(v) to obtain the political support or aid of any person at an election;

(b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

(i) induce a voter to vote or refrain from voting at any election;

(ii) induce any voter to vote or refrain from voting at an election for any particular person or persons; or

(iii) obtain the political support or aid of any person;

(c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or

(d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment.

Enacted by Chapter 1, 1993 General Session

20A-1-602. Receiving bribe.

(1) It is unlawful for any person, for himself or for any other person, directly or indirectly, by himself or through any person, before, during or after any election to:

(a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or measure at any election provided by law;

(b) receive any money or other valuable thing because the person induced any other person to vote or refrain from voting or to vote or refrain from voting for any particular person or measure at an election.

(2) In addition to the penalties established in Section **20A-1-609**, any person convicted of any of the offenses established by this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment.

Enacted by Chapter 1, 1993 General Session

20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records.

(1) It is unlawful for:

(a) any person who is not entitled to vote to fraudulently vote; and

(b) any person to:

(i) vote more than once at any one election;

(ii) knowingly hand in two or more ballots folded together;

(iii) change any ballot after it has been deposited in the ballot box;

(iv) add or attempt to add any ballot to those legally polled at any election by fraudulently introducing the ballot into the ballot box either before or after the ballots have been counted;

(v) add to or mix, or attempt to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time;

(vi) willfully detain, mutilate, or destroy any election returns;

(vii) in any manner, interfere with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;

(viii) engage in riotous conduct at any election or interfere in any manner with any election officer in the discharge of his duties;

(ix) induce any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with his duty or any law regulating his duty;

(x) take, carry away, conceal, remove, or destroy any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing; or

(xi) aid, counsel, provide, procure, advise, or assist any person to do any of the acts specified in this section.

(2) In addition to the penalties established in Section **20A-1-609**, any person convicted of any of the offenses established in this section shall be punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than five years, or by both a fine and imprisonment.

Enacted by Chapter 1, 1993 General Session

20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia.

(1) It is unlawful for any person to:

(a) willfully deface or destroy any list of candidates posted in accordance with the provisions of this title;

(b) willfully deface, tear down, remove or destroy any card of instruction or sample ballot, printed or posted for the instruction of voters during an election;

(c) willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot during an election; or

(d) willfully hinder the voting of others.

(2) In addition to the penalties established in Section **20A-1-609**, any person convicted of any of the offenses established by this section shall be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment in the county jail not exceeding three months, or by both a fine and imprisonment.

Enacted by Chapter 1, 1993 General Session

20A-1-605. Mutilating certificate of nomination -- Forging declination or resignation -- Tampering with ballots.

(1) It is unlawful for any person to:

(a) falsely mark or willfully deface or destroy:

(i) any certificate of nomination or any part of a certificate of nomination; or

(ii) any letter of declination or resignation;

- (b) file any certificate of nomination or letter of declination or resignation knowing it, or any part of it, to be falsely made;
- (c) suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed;
- (d) forge any letter of declination or resignation;
- (e) falsely make the official endorsement on any ballot;
- (f) willfully destroy or deface any ballot;
- (g) willfully delay the delivery of any ballots;
- (h) examine any ballot offered or cast at the polls or found in any ballot box for any purpose other than to determine which candidate was elected; and
- (i) make or place any mark or device on any ballot in order to determine the name of any person for whom the elector has voted.

(2) In addition to the penalties established in Section **20A-1-609**, any person convicted of any of the offenses established by this section is guilty of a class A misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-1-606. Wagering on elections forbidden.

(1) (a) It is unlawful for any candidate, before or during any primary or election campaign to:

- (i) make any bet or wager anything of pecuniary value on the result of the primary or election, or on any event or contingency relating to any pending primary or election;
- (ii) become a party to any bet or wager on the result of a primary or election or on any event or contingency relating to any pending primary or election; and
- (iii) provide money or any other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election.

(b) In addition to the penalties established in Section **20A-1-609**, any person convicted of any of the offenses established by Subsection (1) is guilty of a felony.

(2) (a) It is unlawful for any person to make any bet or wager anything of pecuniary value on the result of any primary or election, or on any event or contingency relating to any primary or election.

(b) In addition to the penalties established in Section **20A-1-609**, any person convicted of any of the offenses established by Subsection (2) is guilty of a misdemeanor.

(3) (a) It is unlawful for any person to directly or indirectly make a bet or wager with any voter that is dependent upon the outcome of any primary or election with the intent to subject that voter to the possibility of challenge at a primary or election or to prevent the voter from voting at a primary or election.

(b) In addition to the penalties established in Section **20A-1-609**, any person convicted of any of the offenses established by this Subsection (3) is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

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

(1) (a) It is unlawful for any person to pay another for any loss due to attendance at the polls or to registering.

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

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

(b) Subsection (2) does not prohibit the hiring of persons whose sole duty it is to act as challengers and watch the count of official ballots.

Enacted by Chapter 1, 1993 General Session

20A-1-608. Promises of appointment to office forbidden.

(1) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing the appointment, nomination, or

election of any person to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination.

Enacted by Chapter 1, 1993 General Session

20A-1-609. Omnibus penalties.

(1) Unless another penalty is specifically provided, any person who violates any provision of this title is guilty of a class B misdemeanor.

(2) A person convicted of any offense under this title may not:

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;

(b) take or hold the office to which he was elected; and

(c) receive the emoluments of the office to which he was elected.

(3) (a) Any person convicted of any offense under this title forfeits the right to vote at any election unless restored to civil rights as provided by law.

(b) Any person may challenge that person's right to vote by following the procedures and requirements of Section **20A-3-202**.

Enacted by Chapter 1, 1993 General Session

20A-1-610. Abetting violation of chapter -- Penalty.

In addition to the penalties established in Section **20A-1-609**, any person who aids, abets, or advises a violation of any provision of this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

Enacted by Chapter 1, 1993 General Session

20A-1-611. Cost of defense of action no part of campaign expense.

(1) Nothing contained in this chapter prevents any candidate from employing counsel to represent him in any action or proceeding affecting his rights as a candidate or from paying all costs and disbursements arising from that representation.

(2) Expenses paid or incurred for that representation may not be considered part of the campaign expenses of any candidate.

Enacted by Chapter 1, 1993 General Session

25. PROSECUTING AND ADJUDICATING ELECTION OFFENSES; Utah Code Sections 20A-1-701 through 706

20A-1-701. Prosecutions -- Venue.

Violations of the provisions of this title concerning expenditure of money or making contributions or providing services may be prosecuted in the county where the expenditure or contribution was made, or where the services were provided, or in any county where the money was paid or distributed.

Enacted by Chapter 1, 1993 General Session

20A-1-703. Proceedings by registered voter.

(1) Any registered voter who has information that any provisions of this title have been violated by any candidate for whom the registered voter had the right to vote, by any personal campaign committee of that candidate, by any member of that committee, or by any election official, may file a verified petition with the lieutenant governor.

- (2) (a) The lieutenant governor shall gather information and determine if a special investigation is necessary.
- (b) If the lieutenant governor determines that a special investigation is necessary, the lieutenant governor shall refer the information to the attorney general, who shall:
- (i) bring a special proceeding to investigate and determine whether or not there has been a violation; and
 - (ii) appoint special counsel to conduct that proceeding on behalf of the state.
- (3) If it appears from the petition or otherwise that sufficient evidence is obtainable to show that there is probable cause to believe that a violation has occurred, the attorney general shall:
- (a) grant leave to bring the proceeding; and
 - (b) appoint special counsel to conduct the proceeding.
- (4) (a) If leave is granted, the registered voter may, by a special proceeding brought in the district court in the name of the state upon the relation of the registered voter, investigate and determine whether or not the candidate, candidate's personal campaign committee, any member of the candidate's personal campaign committee, or any election officer has violated any provision of this title.
- (b) (i) In the proceeding, the complaint shall:
 - (A) be served with the summons; and
 - (B) set forth the name of the person or persons who have allegedly violated this title and the grounds of those violations in detail.
 - (ii) The complaint may not be amended except by leave of the court.
 - (iii) The summons and complaint in the proceeding shall be filed with the court no later than five days after they are served.
- (c) (i) The answer to the complaint shall be served and filed within ten days after the service of the summons and complaint.
- (ii) Any allegation of new matters in the answer shall be considered controverted by the adverse party without reply, and the proceeding shall be considered at issue and stand ready for trial upon five days' notice of trial.
- (d) (i) All proceedings initiated under this section have precedence over any other civil actions.
- (ii) The court shall always be considered open for the trial of the issues raised in this proceeding.
 - (iii) The proceeding shall be tried and determined as a civil action without a jury, with the court determining all issues of fact and issues of law.
- (iv) If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may:
- (A) order the proceedings consolidated and heard together; and
 - (B) equitably apportion costs and disbursements.
- (e) (i) Either party may request a change of venue as provided by law in civil actions, but application for a change of venue must be made within five days after service of summons and complaint.
- (ii) The judge shall decide the request for a change of venue and issue any necessary orders within three days after the application is made.
 - (iii) If a party fails to request a change of venue within five days of service, he has waived his right to a change of venue.
- (f) (i) If judgment is in favor of the plaintiff, the relator may petition the judge to recover his taxable costs and disbursements against the person whose right to the office is contested.
- (ii) The judge may not award costs to the defendant unless it appears that the proceeding was brought in bad faith.
 - (iii) Subject to the limitations contained in Subsection (f), the judge may decide whether or not to award costs and disbursements.
- (5) Nothing in this section may be construed to prohibit any other civil or criminal actions or remedies against alleged violators.
- (6) In the event a witness asserts a privilege against self-incrimination, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.

Amended by Chapter 296, 1997 General Session

20A-1-704. Judgment and findings -- Appeal -- Criminal prosecution not affected by judgment.

(1) (a) If the court finds that the candidate whose right to any office is being investigated, or that the candidate, the candidate's personal campaign committee or any member of the candidate's personal campaign committee has violated any provision of this title in the conduct of the campaign for nomination or election, and if the candidate is not one mentioned in Subsection (2), the judge shall enter an order:

- (i) declaring void the election of the candidate to that office;
- (ii) ousting and excluding the candidate from office; and
- (iii) declaring the office vacant.

(b) The vacancy created by that order shall be filled as provided in this chapter.

(2) (a) If a proceeding has been brought to investigate the right of a candidate for either house of the Legislature, and the court finds that the candidate, the candidate's personal campaign committee, or any member of the candidate's personal campaign committee has violated any provision of this title in the conduct of the campaign for nomination or election, the court shall:

- (i) prepare and sign written findings of fact and conclusions of law relating to the violation; and
- (ii) without issuing an order, transmit those findings and conclusions to the lieutenant governor.

(b) The lieutenant governor shall transmit the judge's findings and conclusions to the house of the Legislature for which the person is a candidate.

(3) (a) A party may appeal the determination of the court in the same manner as appeals may be taken in civil actions.

(b) A judge may not issue an injunction suspending or staying the proceeding unless:

- (i) application is made to the court or to the presiding judge of the court;
- (ii) all parties receive notice of the application and the time for the hearing; and
- (iii) the judge conducts a hearing.

(4) Any judgment or findings and conclusions issued as provided in this section may not be construed to bar or affect in any way any criminal prosecution of any candidate or other person.

Enacted by Chapter 1, 1993 General Session

20A-1-705. Supplemental judgment after criminal conviction.

(1) (a) If any person, in a criminal action, is found guilty of any violation of this chapter while a candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court, after entering the finding of guilt, shall:

- (i) enter a supplemental judgment declaring that person to have forfeited the office; and
- (ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(2) (a) If any person, in a similar action, is found guilty of any violation of this chapter committed while a member of the personal campaign committee of any candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court before which the action is tried shall, immediately after entering the finding of guilt:

- (i) enter a supplemental judgment declaring the candidate to have forfeited the office; and
- (ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(3) If any person, in a criminal action, is found guilty of any violation of this chapter, committed while a candidate for the office of state senator or state representative, the court, after entering the finding of guilt, shall transmit a certificate setting forth the finding of guilt to the presiding officer of the legislative body for which the person is a candidate.

Enacted by Chapter 1, 1993 General Session

20A-1-706. Special counsel on appeal.

(1) If either party appeals the judgment of the trial court, the district judge, the attorney general, or the governor who appointed special counsel for the trial court shall authorize that counsel, or some other person, to appear as special counsel in the appellate court in the matter.

(2) (a) The special counsel authorized by this chapter shall receive a reasonable compensation for his services.

(b) The compensation shall be audited by the lieutenant governor and paid out of the state treasury upon a voucher and upon the written statement of the officer appointing the counsel that:

- (i) the appointment has been made;
- (ii) the person appointed has faithfully performed the duties imposed upon him; and
- (iii) that the special counsel's bill is accurate and correct.

(c) Compensation for special counsel shall be audited and paid in the same manner as other claims against the state are audited and paid.

Enacted by Chapter 1, 1993 General Session

26. LOCAL INITIATIVES

20A-7-101. Definitions.

As used in this chapter:

- (1) "Budget officer" means:
 - (a) for counties, the person designated as budget officer in Section **17-19-19**;
 - (b) for cities, the person designated as budget officer in Subsection **10-6-106(5)**; or
 - (c) for towns, the town council.
- (2) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.
- (3) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.
- (4) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection **20A-7-202.5(2)** or **20A-7-502.5(2)**.
- (5) "Initial fiscal impact estimate" means a financial statement prepared according to the terms of Section **20A-7-202.5** or **20A-7-502.5** after the filing of an application for an initiative petition.
- (6) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.
- (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.
- (8) "Legal signatures" means the number of signatures of legal voters that:
 - (a) meet the numerical requirements of this chapter; and
 - (b) have been certified and verified as provided in this chapter.
- (9) "Legal voter" means a person who:
 - (a) is registered to vote; or
 - (b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.
- (10) (a) "Local law" includes an ordinance, resolution, master plan, and any comprehensive zoning regulations adopted by ordinance or resolution.
 - (b) "Local law" does not include individual property zoning decisions.
- (11) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.
- (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.
- (13) "Local legislative body" means the legislative body of a county, city, or town.
- (14) "Measure" means an initiative or referendum.
- (15) "Referendum" means a law passed by the Legislature or by a local legislative body that is being submitted to the voters for their approval or rejection.
- (16) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.
- (17) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.
- (18) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(19) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

(20) "Verified" means acknowledged by the person circulating the petition as required in Sections **20A-7-205** and **20A-7-305**.

Amended by Chapter 272, 1994 General Session

Amended by Chapter 21, 1994 General Session

Amended by Chapter 236, 2005 General Session

20A-7-402. Local voter information pamphlet -- Contents -- Limitations -- Preparation -- Statement on front cover.

(1) The county or municipality that is the subject of an initiative or referenda shall prepare a local voter information pamphlet that meets the requirements of this part.

(2) (a) The arguments for and against initiatives and referenda shall conform to the requirements of this section.

(i) Persons wishing to prepare arguments for and against initiatives and referenda shall file a request with the local legislative body at least 45 days before the election at which the proposed measure is to be voted upon.

(ii) If more than one person or group requests the opportunity to prepare arguments for or against any measure, the governing body shall make the final designation according to the following criteria:

(A) sponsors have priority in making the argument for a measure; and

(B) members of the local legislative body have priority over others.

(iii) The arguments in favor of the measure shall be prepared by the sponsors, whether of the local legislative body or of a voter or voter group, but not more than five names shall appear as sponsors.

(iv) The arguments against the measure shall be prepared by opponents from among the local legislative body, if any, or from among voters requesting permission of the local legislative body to prepare these arguments.

(v) The arguments may not exceed 500 words in length.

(vi) The arguments supporting and opposing any county or municipal measure shall be filed with the local clerk not less than 30 days before the election at which they are to be voted upon.

(b) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate prepared for each initiative under Section **20A-7-502.5**.

(3) (a) In preparing the local voter information pamphlet, the local legislative body shall:

(i) ensure that the arguments are printed on the same sheet of paper upon which the proposed measure is also printed;

(ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed arguments:

"The arguments for or against the proposed measure(s) are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) ensure that the local clerk distributes the pamphlets either by mail or carrier not less than eight days before the election at which the measures are to be voted upon.

(b) (i) If the proposed measure exceeds 500 words in length, the local legislative body may direct the local clerk to summarize the measure in 500 words or less.

(ii) The summary shall state where a complete copy of the measure is available for public review.

Amended by Chapter 272, 1994 General Session

Amended by Chapter 236, 2005 General Session

20A-7-501. Initiatives.

(1) (a) Except as provided in Subsection (b), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

(i) 10% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes exceeds 25,000;

(ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(iii) 15% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(iv) 20% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 2,500 but is more than 500;

(v) 25% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 500 but is more than 250; and

(vi) 30% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 250.

(b) In addition to the signature requirements of Subsection (a), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection in a county, city, or town where the local legislative body is elected from council districts shall obtain, from each of a majority of council districts, legal signatures equal to the percentages established in Subsection (a).

(2) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by this section, the clerk or recorder shall deliver the proposed law to the local legislative body at its next meeting.

(3) (a) The local legislative body shall either adopt or reject the proposed law without change or amendment within 30 days of receipt of the proposed law.

(b) The local legislative body may:

(i) adopt the proposed law and refer it to the people;

(ii) adopt the proposed law without referring it to the people; or

(iii) reject the proposed law.

(c) If the local legislative body adopts the proposed law but does not refer it to the people, it is subject to referendum as with other local laws.

(d) (i) If a county legislative body rejects a proposed county ordinance or amendment, or takes no action on it, the county clerk shall submit it to the voters of the county at the next regular general election.

(ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or takes no action on it, the municipal recorder or clerk shall submit it to the voters of the municipality at the next municipal general election.

(e) (i) If the local legislative body rejects the proposed ordinance or amendment, or takes no action on it, the local legislative body may adopt a competing local law.

(ii) The local legislative body shall prepare and adopt the competing local law within the 30 days allowed for its action on the measure proposed by initiative petition.

(iii) If the local legislative body adopts a competing local law, the clerk or recorder shall submit it to the voters of the county or municipality at the same election at which the initiative proposal is submitted.

(f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, then the measure that receives the greatest number of affirmative votes shall control all conflicts.

Renumbered and Amended by Chapter 272, 1994 General Session

20A-7-502. Local initiative process -- Application procedures.

(1) Persons wishing to circulate an initiative petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors:

(i) is a registered voter; and

(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular municipal election in Utah:

(I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or

(II) within the last five years, if the sponsor's failure to vote within the last three years is due to the sponsor's residing in a municipal district that participates in a municipal election every four years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) a copy of the proposed law.

Amended by Chapter 278, 1997 General Session

20A-7-503. Form of initiative petitions and signature sheets.

(1) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable ____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it.

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the initiative printed below the horizontal line;

(d) contain the initial fiscal impact estimate's summary statement issued by the budget officer according to Subsection **20A-7-502.5(2)(b)** printed or typed in not less than 12-point, bold type, at the top of each signature sheet under the title of the initiative;

(e) contain the word "Warning" printed or typed at the top of each signature sheet under the initial fiscal impact estimate's summary statement;

(f) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any initiative petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign an initiative petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section;

(h) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only", and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

(ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered Voter";

(iv) the next column shall be one inch wide, headed "Birth Date"; and

(v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

(i) contain the following statement, printed or typed upon the back of each sheet:

"Verification

State of Utah, County of ____

I, _____, of _____, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the names that appear on this sheet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

_____ "

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 3, 2000 General Session
Amended by Chapter 236, 2005 General Session

20A-7-504. Circulation requirements -- Local clerk to provide sponsors with materials.

- (1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.
- (2) The local clerk shall furnish to the sponsors:
 - (a) one copy of the initiative petition; and
 - (b) one signature sheet.
- (3) The sponsors of the petition shall:
 - (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
 - (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.
- (4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.
 - (b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.
 - (c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.
- (5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the local clerk.
 - (b) The local clerk shall:
 - (i) number each of the initiative packets and return them to the sponsors within five working days; and
 - (ii) keep a record of the numbers assigned to each packet.

Amended by Chapter 3, 2000 General Session

20A-7-505. Obtaining signatures -- Verification -- Removal of signature.

- (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.
- (2) The sponsors shall ensure that the person in whose presence each signature sheet was signed:
 - (a) is at least 18 years old and meets the residency requirements of Section **20A-2-105**; and
 - (b) verifies each signature sheet by completing the verification printed on the back of each signature sheet.
- (3) (a) (i) Any voter who has signed an initiative petition may have his signature removed from the petition by submitting a notarized statement to that effect to the local clerk.
 - (ii) In order for the signature to be removed, the statement must be received by the local clerk before he delivers the petition to the county clerk to be certified.
- (b) Upon receipt of the statement, the local clerk shall remove the signature of the person submitting the statement from the initiative petition.
- (c) No one may remove signatures from an initiative petition after the petition is submitted to the county clerk to be certified.

Amended by Chapter 3, 2000 General Session

20A-7-506. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

- (1) No later than 120 days before any regular general election, for county initiatives, or municipal general election, for municipal initiatives, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated.

(2) *No later than 90 days before any general election, the county clerk shall:*

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are residents of Utah and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(3) *No later than 60 days before any general election, the county clerk shall:*

(a) determine whether or not each signer is a voter according to the requirements of Section **20A-7-506.3**;

(b) certify on the petition whether or not each name is that of a voter; and

(c) deliver all of the packets to the local clerk.

Amended by Chapter 3, 2000 General Session

Amended by Chapter 236, 2005 General Session

20A-7-507. Evaluation by the local clerk.

(1) When each initiative packet is received from a county clerk, the local clerk shall check off from his record the number of each initiative packet filed.

(2) (a) After all of the initiative packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerk that appear on each verified signature sheet.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section **20A-7-501**, the local clerk shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section **20A-7-501**, the local clerk shall mark upon the front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of his finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

(4) (a) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the pending election.

(b) If the petition is declared insufficient, the petition sponsors may submit additional signatures to qualify the petition for:

(i) the next regular general election following the pending regular general election if the petition was a county initiative petition; or

(ii) the next municipal general election if the petition was a municipal initiative petition.

(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may apply to the supreme court for an extraordinary writ to compel him to do so within ten days after the refusal.

(b) If the supreme court determines that the initiative petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in his office.

(c) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot for the next election.

Amended by Chapter 133, 2002 General Session

20A-7-508. Ballot title -- Duties of local clerk and local attorney.

(1) Whenever an initiative petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) (a) The local attorney shall:

(i) entitle each county initiative that has qualified for the ballot "Citizen's County Initiative Number ___" and give it a number;

(ii) entitle each municipal initiative that has qualified for the ballot "Citizen's City (or Town) Initiative Number ___" and give it a number;

- (iii) prepare a ballot title for the initiative; and
- (iv) return the petition and the ballot title to the local clerk within 15 days after its receipt.
- (b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.
- (c) The ballot title and the number of the measure as determined by the local attorney shall be printed on the official ballot.
- (d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.
- (e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.
- (3) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.
- (4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney to the Supreme Court.
- (b) The Supreme Court shall examine the measures and hear arguments, and, in its decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this section.
- (c) The local clerk shall print the title verified to him by the Supreme Court on the official ballot.

Amended by Chapter 57, 2001 General Session

20A-7-509. Form of ballot -- Manner of voting.

- (1) The local clerk shall ensure that the number and ballot title are printed upon the official ballot with, immediately to the right of them, the words "For" and "Against," each word followed by a square in which the elector may indicate his vote.
- (2) Electors desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square following the word "For," and those desiring to vote against enacting the law proposed by the initiative petition shall mark the square following the word "Against."

Enacted by Chapter 272, 1994 General Session

20A-7-510. Return and canvass -- Conflicting measures -- Law effective on proclamation.

- (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the local board of canvassers completes its canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the initiative petition.
- (3) (a) The local legislative body shall immediately issue a proclamation that:
 - (i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by an initiative petition; and
 - (ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.
- (b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, they shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
- (c) (i) Within ten days after the local legislative body's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the local legislative body to be superseded by another measure approved at the same election may apply to the supreme court to review the decision.
 - (ii) The court shall:
 - (A) immediately consider the matter and decide whether or not the proposed laws are in conflict; and
 - (B) within ten days after the matter is submitted to it for decision, certify its decision to the local legislative body.
- (4) Within 30 days after its previous proclamation, the local legislative body shall:

(a) proclaim all those measures approved by the people as law that the supreme court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the supreme court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.

Enacted by Chapter 272, 1994 General Session

20A-7-511. Effective date.

(1) (a) Any proposed law submitted to the people by initiative petition that is approved by the voters at any election takes effect on the date specified in the initiative petition.

(b) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the county legislative body.

(2) The local legislative body may amend any laws approved by the people at any meeting after the law has taken effect.

Enacted by Chapter 272, 1994 General Session

20A-7-512. Misconduct of electors and officers -- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than his own to any initiative petition;

(b) knowingly sign his name more than once for the same measure at one election;

(c) sign an initiative knowing he is not a legal voter; or

(d) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for an initiative packet knowing that:

(a) he does not meet the residency requirements of Section **20A-2-105**;

(b) he has not witnessed the signatures of those persons whose names appear in the initiative packet; or

(c) one or more persons whose signatures appear in the initiative packet is either:

(i) not registered to vote in Utah; or

(ii) does not intend to become registered to vote in Utah.

(3) Any person violating this part is guilty of a class A misdemeanor.

(4) The county attorney or municipal attorney shall prosecute any violation of this section.

Amended by Chapter 20, 2001 General Session

27. LOCAL REFERENDA

20A-7-101. Definitions.

As used in this chapter:

(1) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.

(2) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.

(3) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(4) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

(5) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been certified and verified as provided in this chapter.

(6) "Legal voter" means a person who:

(a) is registered to vote; or

(b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.

(7) (a) "Local law" includes an ordinance, resolution, master plan, and any comprehensive zoning regulations adopted by ordinance or resolution.

(b) "Local law" does not include individual property zoning decisions.

(8) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

(9) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

(10) "Local legislative body" means the legislative body of a county, city, or town.

(11) "Measure" means an initiative or referendum.

(12) "Referendum" means a law passed by the Legislature or by a local legislative body that is being submitted to the voters for their approval or rejection.

(13) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(14) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

(15) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(16) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

(17) "Verified" means acknowledged by the person circulating the petition as required in Sections **20A-7-205** and **20A-7-305**.

Amended by Chapter 272, 1994 General Session

Amended by Chapter 21, 1994 General Session

20A-7-402. Local voter information pamphlet -- Contents -- Limitations -- Preparation -- Statement on front cover.

(1) The county or municipality that is the subject of an initiative or referenda shall prepare a local voter information pamphlet that meets the requirements of this part.

(2) (a) The arguments for and against initiatives and referenda shall conform to the requirements of this section.

(b) Persons wishing to prepare arguments for and against initiatives and referenda shall file a request with the local legislative body at least 45 days before the election at which the proposed measure is to be voted upon.

(c) If more than one person or group requests the opportunity to prepare arguments for or against any measure, the governing body shall make the final designation according to the following criteria:

(i) sponsors have priority in making the argument for a measure; and

(ii) members of the local legislative body have priority over others.

(d) The arguments in favor of the measure shall be prepared by the sponsors, whether of the local legislative body or of a voter or voter group, but not more than five names shall appear as sponsors.

(e) The arguments against the measure shall be prepared by opponents from among the local legislative body, if any, or from among voters requesting permission of the local legislative body to prepare these arguments.

(f) The arguments may not exceed 500 words in length.

(g) The arguments supporting and opposing any county or municipal measure shall be filed with the local clerk not less than 30 days before the election at which they are to be voted upon.

(3) (a) In preparing the local voter information pamphlet, the local legislative body shall:

(i) ensure that the arguments are printed on the same sheet of paper upon which the proposed measure is also printed;

(ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed arguments:

"The arguments for or against the proposed measure(s) are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) ensure that the local clerk distributes the pamphlets either by mail or carrier not less than eight days before the election at which the measures are to be voted upon.

(b) (i) If the proposed measure exceeds 500 words in length, the local legislative body may direct the local clerk to summarize the measure in 500 words or less.

(ii) The summary shall state where a complete copy of the measure is available for public review.

Amended by Chapter 272, 1994 General Session

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws -- Time requirements.

(1) Except as provided in Subsection (2), a person seeking to have a law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) 10% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes exceeds 25,000;

(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(c) 15% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(d) 20% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 2,500 but is more than 500;

(e) 25% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 500 but is more than 250; and

(f) 30% of all the votes cast in the county, city, or town for all candidates for governor at the last election at which a governor was elected if the total number of votes does not exceed 250.

(2) (a) As used in this Subsection (2), "land use law" includes a land use development code, an annexation ordinance, and comprehensive zoning ordinances.

(b) A person seeking to have a land use law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(i) in a county or in a city of the first or second class, 20% of all votes cast in the county or city for all candidates for governor at the last election at which a governor was elected; and

(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the city or town for all candidates for governor at the last election at which a governor was elected.

(3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2), any local law passed by a local legislative body shall file the petition within 45 days after the passage of the local law.

(b) The local law remains in effect until repealed by the voters via referendum.

(4) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.

Amended by SB 10, 2004 General Session

Amended by Chapter 292, 2003 General Session

20A-7-602. Local referendum process -- Application procedures.

(1) Persons wishing to circulate a referendum petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;

(b) a certification indicating that each of the sponsors:

(i) is a resident of Utah; and

(ii) (A) if the referendum challenges a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the referendum challenges a municipal ordinance, has voted in a regular municipal election in Utah within the last three years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) one copy of the law.

Amended by Chapter 3, 2000 General Session

20A-7-603. Form of referendum petition and signature sheets.

(1) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable _____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that Ordinance No. _____, entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth here the part or parts on which the referendum is sought), passed by the _____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year);

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the referendum printed below the horizontal line;

(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;

(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any referendum petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign a referendum petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section;

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

(ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be three inches wide, headed "Signature of Registered Voter"; and

(iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

(h) contain the following statement, printed or typed upon the back of each sheet:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the names that appear on this sheet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

"

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 75, 2000 General Session

Amended by Chapter 3, 2000 General Session

20A-7-604. Circulation requirements -- Local clerk to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.

(2) The local clerk shall furnish to the sponsors:

(a) five copies of the referendum petition; and

(b) five signature sheets.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

(5) (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the local clerk.

(b) The local clerk shall:

(i) number each of the referendum packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet.

Enacted by Chapter 272, 1994 General Session

20A-7-605. Obtaining signatures -- Verification -- Removal of signature.

(1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

(2) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

(a) is at least 18 years old and meets the residency requirements of Section **20A-2-105**; and

(b) verifies each signature sheet by completing the verification printed on the back of each signature sheet.

(3) (a) Any voter who has signed a referendum petition may have his signature removed from the petition by submitting a notarized statement to that effect to the local clerk.

(b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local clerk shall remove the signature of the person submitting the statement from the referendum petition.

(c) A local clerk may not remove signatures from a referendum petition after the petition has been submitted to the county clerk to be certified.

Amended by Chapter 3, 2000 General Session

20A-7-606. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) No later than 120 days before any regular general election for county referenda, or municipal general election for local referenda, the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated.

(2) No later than 90 days before any general election, the county clerk shall:

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are Utah residents and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(3) No later than 60 days before any general election, the county clerk shall:

(a) check all the names of the signers against the official registers to determine whether or not the signer is a voter;

(b) certify on the referendum petition whether or not each name is that of a voter; and

(c) deliver all of the referendum packets to the local clerk.

Amended by Chapter 3, 2000 General Session

20A-7-607. Evaluation by the local clerk.

(1) When each referendum packet is received from a county clerk, the local clerk shall check off from his record the number of each referendum packet filed.

(2) (a) After all of the referendum packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerks that appear on each verified signature sheet.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section **20A-7-601**, the local clerk shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section **20A-7-601**, the local clerk shall mark upon the front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of his finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the referendum petition in the presence of any sponsor.

(4) (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to the Supreme Court for an extraordinary writ to compel him to do so within ten days after the refusal.

(b) If the Supreme Court determines that the referendum petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in his office.

(c) If the Supreme Court determines that any petition filed is not legally sufficient, the Supreme Court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot for the next election.

Amended by Chapter 165, 1995 General Session

20A-7-608. Ballot title -- Duties of local clerk and local attorney.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) (a) The local attorney shall:

(i) entitle each county referendum that has qualified for the ballot "Citizen's County Referendum Number ___" and give it a number;

(ii) entitle each municipal referendum that has qualified for the ballot "Citizen's City (or Town) Referendum Number ___" and give it a number;

(iii) prepare a ballot title for the referendum; and

(iv) return the petition and the ballot title to the local clerk within 15 days after its receipt.

(b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the local attorney shall be printed on the official ballot.

(d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.

(4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney to the Supreme Court.

(b) The Supreme Court shall examine the measures and hear arguments, and, in its decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title verified to him by the Supreme Court on the official ballot.

Amended by Chapter 57, 2001 General Session

20A-7-609. Form of ballot -- Manner of voting.

(1) The local clerk shall ensure that the number and ballot title are printed upon the official ballot with, immediately to the right of them, the words "For" and "Against," each word followed by a square in which the elector may indicate his vote.

(2) (a) Unless the county legislative body calls a special election, the county clerk shall ensure that referenda that have qualified for the ballot appear on the next regular general election ballot.

(b) Unless the municipal legislative body calls a special election, the municipal recorder or clerk shall ensure that referenda that have qualified for the ballot appear on the next regular municipal election ballot.

(3) Voters desiring to vote in favor of enacting the law proposed by the referendum petition shall mark the square following the word "For," and those desiring to vote against enacting the law proposed by the referendum petition shall mark the square following the word "Against."

Amended by Chapter 340, 1995 General Session

20A-7-610. Return and canvass -- Conflicting measures -- Law effective on proclamation.

(1) The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes its canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the referendum petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by a referendum petition; and

(ii) declares those laws proposed by a referendum petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, they shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(4) (a) Within ten days after the local legislative body's proclamation, any qualified voter who signed the referendum petition proposing the law that is declared by the local legislative body to be superseded by another measure approved at the same election may apply to the supreme court to review the decision.

(b) The supreme court shall:

(i) immediately consider the matter and decide whether or not the proposed laws are in conflict; and

(ii) within ten days after the matter is submitted to it for decision, certify its decision to the local legislative body.

(5) Within 30 days after its previous proclamation, the local legislative body shall:

(a) proclaim all those measures approved by the people as law that the supreme court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the supreme court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.

Enacted by Chapter 272, 1994 General Session

20A-7-611. Effective date.

Any proposed law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.

Enacted by Chapter 272, 1994 General Session

20A-7-612. Misconduct of electors and officers -- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than his own to any referendum petition;

(b) knowingly sign his name more than once for the same measure at one election;

(c) sign a referendum knowing he is not a legal voter; or

(d) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for a referendum packet knowing that:

(a) he does not meet the residency requirements of Section **20A-2-105**;

(b) he has not witnessed the signatures of those persons whose names appear in the referendum packet; or

- (c) one or more persons whose signatures appear in the referendum packet is either:
 - (i) not registered to vote in Utah; or
 - (ii) does not intend to become registered to vote in Utah.
- (3) Any person violating this part is guilty of a class A misdemeanor.
- (4) The county attorney or municipal attorney shall prosecute any violation of this section.

Amended by Chapter 20, 2001 General Session

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DECLARATION OF CANDIDACY

STATE OF UTAH)
 : §
COUNTY OF UTAH)

I, _____, being first sworn, say that I
(Print name as it is to appear on the ballot)
reside at _____ Street, City of Orem, County
of Utah, State of Utah, Zip Code 84_____, Telephone No. (if any) _____; that I am a
registered voter; that I am a candidate for the office of _____ for the term
of _____ years; and that I meet the constitutional and statutory qualification requirements for the
above stated office. I request that my name be printed upon the applicable official ballots.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _
_____, 2003.

(Signed) _____
Clerk, Recorder or Notary Public

NOTE: The constitutional and statutory qualification requirements for municipal office are:

- 1. The person is a registered voter in the municipality.
- 2. The person will be at least 18 years old at the time of the next election.
- 3. The person has been a legal resident of the municipality or a resident of a recently annexed area for 12 consecutive months immediately preceding the date of the election.
- 4. Any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to vote or hold elective office is restored as provided by statute.

The requirements to be a registered voter are:

- 1. Must be a United States citizen.
- 2. Has been a resident of Utah for at least the 30 days immediately before the election.
- 3. Will be at least 18 years old on the day of the election.
- 4. If the person is a convicted felon, their right to vote must have been restored.

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**CITY OF OREM
MUNICIPAL CAMPAIGN FINANCIAL STATEMENT**

2-3-4. Campaign Finance Disclosure.

A. Purpose and intent. The purpose of this section is to comply with Section 10-3-208 of the Utah Code Annotated and to establish campaign financial disclosure requirements for candidates for elective office in the City of Orem.

B. Definitions.

Contribution means the receiving of money and non-monetary contributions such as in-kind contributions and contributions of tangible things for a political purposes.

Expenditure means the spending or paying of money or non-monetary items such as tangible things and in-kind payments for a political purpose made during the campaign period.

Municipal primary election means the election held in municipalities on the Tuesday after the first Monday in the October before the Municipal general election.

Municipal general election means the election held in municipalities on the Tuesday after the first Monday in November of each odd-numbered year.

C. Reporting.

1. Each candidate for elected municipal office shall file a signed campaign financial statement with the City Recorder containing itemized and total campaign contributions and expenditures as outlined below:

a. **Candidates Eliminated at the Municipal Primary Election.** Candidates who are eliminated at the Municipal primary election shall file a campaign financial statement within the thirty (30) days after the Municipal primary election.

b. **Candidates in the Municipal General Election.** Candidates in the Municipal general election shall file the following campaign financial statements:

1. A first campaign financial statement shall be filed at least seven (7) days, but not more than fourteen (14) days before the Municipal general election. The first campaign financial statement shall include contributions received and expenditures made up through and including fifteen (15) days before the Municipal primary election.

2. A second campaign financial statement shall be filed within the thirty (30) days following the Municipal general election. The second campaign financial statement shall include contributions received and expenditures made from fourteen (14) days before the Municipal general election (all contributions received and expenditures made after the cutoff date for the first campaign financial statement filing period) until the date the candidate files the second campaign financial statement.

3. If the candidate receives contributions or makes expenditures after the date the candidate files the second campaign financial statement, the candidate shall file an additional campaign financial statement(s) within thirty (30) days of receiving the contribution or making the expenditure.

2. The campaign financial statement must include the following information:

- a. For each contribution of more than \$50.00, the name of the donor of the contribution and the amount of the contribution.
- b. An aggregate total of all contributions of \$50.00 or less received by the candidate.
- c. For each expenditure for a political purpose made during the campaign period, the name of the recipient and the amount of the expenditure.

D. Classification. The signed campaign financial statement received by the City Recorder pursuant to this section shall be classified as a public record.

E. Penalty. Any person who fails to comply with this Section is guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00). Each and every failure to file the required campaign financial statement shall constitute a separate offense.

FILING # _____ FILING PERIOD: From _____ To _____

NAME OF CANDIDATE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

NAME OF OFFICE _____

- 1. Total contributions of donors who gave more than \$50.00\$ _____
- 2. Aggregate total of contributions of \$50.00 or less\$ _____
- 3. Total campaign expenditures\$ _____

Date _____ Signed _____

Candidate

FINAL CAMPAIGN DISCLOSURE SUMMARY - ENDING REPORT
(Attach to Final Campaign Statement)

Aggregate Total Contributions (Under \$50)	\$
Total Itemized Contributions (Over \$50)	\$
Total Campaign Expenditures	\$
Total Contributions Minus Total Expenditures (Surplus)	\$
<p>Surplus campaign moneys held by the candidate or the candidate=s committee must be dispersed at the end of the campaign. Disposition is normally accomplished by returning contributed monies to the contributor, and/or donating the contributions to non-profit organization(s). The disposition of any surplus campaign funds must be reported in the Final Campaign Statement. <i>Municipal Code Section 3-3-6</i></p> <p>My surplus campaign moneys have been dispersed as follows:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

I hereby certify to the best of my knowledge that all receipts and all expenditures have been reported as of the date of this Statement, there are no bills or obligations outstanding and unpaid except as set forth in this report, and surplus campaign funds have been dispersed as stated.

Dated: _____

Candidate Signature