

U.S. ELECTION ASSISTANCE COMMISSION



2012 Election Administration & Voting Survey

Utah

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2012 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2010 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2010 with an "X" as shown below:

X No Change Since 2010

If the response has changed since 2010, please mark Changed Since 2010 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2010 response and record your 2012 response between the red bracketed text lines, as described below.

X Changed Since 2010

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (a) below this line.]

Utah Administration Code R623-2-3 (F)

"Overvote" means a race, question or issue which contains votes for more than the maximum number of candidates or responses for a ballot question or issue allowed.

[End definition (a) above this line.]

b. Under-vote

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (b) below this line.]

Utah Administration Code R623-2-3 (J)

"Undervote" means a race, question or issue which contains no votes or when more than one choice is available, less than the maximum number of votes allowed.

[End definition (b) above this line.]

c. Blank ballot

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (c) below this line.]

Utah Administration Code R623-2-3 (A)

"Blank Ballot" means a ballot on which the voter has made no marks in any voting position, or has been marked with an unreadable marker, or is one which has been consistently marked outside of the "read" area of the scanner.

[End definition (c) above this line.]

d. Void/Spoiled ballot

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin definition (d) below this line.]

Utah Code 20A-1-102 (75)

"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 a poll worker;
- or
- (c) lacks the official endorsement.

[End definition (d) above this line.]

e. Provisional/Challenged ballot

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin definition (e) below this line.]

Utah Code 20A-1-102 (60)

"Provisional ballot" means a ballot voted provisionally by a person:

- (a) whose name is not listed on the official register at the polling place;
- (b) whose legal right to vote is challenged as provided in this title; or
- (c) whose identity was not sufficiently established by a poll worker.

[End definition (e) above this line.]

f. Absentee

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin definition (f) below this line.]

No legal definition

Utah Code 20A-3-301(1) Any person who is registered to vote may vote by absentee ballot.

Utah Code 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:

(i) on the electronic system maintained by the lieutenant governor under Section 20A-2-206; or

(ii) 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, Utah apply for an official absentee ballot to be voted by me at the election.

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

(b) The lieutenant governor or 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) Except as provided in Subsection (3)(b) a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the lieutenant governor or appropriate election officer no later than the Friday before election day.

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

(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.

[End definition (f) above this line.]

g. Early voting

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin definition (g) below this line.]

No legal definition

Utah Code 20A-3-601. Early voting.

(1) A person who is registered to vote may vote before the election date in accordance with this section.

(2) (a) The early voting period shall begin on the date that is 14 days before the date of the election.

(b) Early voting shall continue through the Friday before the election if the election date is a Tuesday. (c) During the early voting period, the election officer:

(i) for local special elections, municipal primary elections, and municipal general elections:

(A) shall conduct early voting on a minimum of four days during each week of the early voting period; and

(B) shall conduct early voting on the last day of the early voting period; and

(ii) for all other elections:

(A) shall conduct early voting on each weekday; and

(B) may elect to conduct early voting on Saturdays, Sundays, or holidays.

(3) Except as specifically provided in this Part 6, Early Voting, early voting shall be administered according to the requirements of this title.

20A-3-602. Hours for early voting.

(1) The election officer shall determine the times for opening and closing the polls for each day of early voting provided that:

(a) voting is open for a minimum of four hours during each day that polls are open during the early voting period; and

(b) polls shall close at 5 p.m. on the last day of the early voting period.

(2) Every registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

20A-3-603. Early voting polling places.

(1) The election officer shall designate one or more polling places for early voting, provided that:

(a) except as provided in Subsection (3), at least one polling place is open on each day that polls are open during the early voting period;

(b) each polling place meets the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place are accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

(d) each polling place is located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

(i) can be scheduled for use during early voting hours;

(ii) has the physical facilities necessary to accommodate early voting requirements;

(iii) has adequate space for voting equipment, poll workers, and voters; and

(iv) has adequate security, public accessibility, and parking.

(2) (a) In the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.

(b) If an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the additional polling place by:

(i) publishing the notice in one issue of a newspaper of general circulation in the county; and

(ii) posting the notice at the additional polling place.

(3) For each regular general election and regular primary election, counties of the first class shall ensure that:

(a) at least one polling place is located within each Utah State Senate district that is located wholly or partially within the county; and

(b) at least one polling place located within each district is open on each day that polls are open during the early voting period.

[End definition (g) above this line.]

h. Active Voter

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin definition (h) below this line.]

Utah Code 20A-1-102 (1)

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

[End definition (h) above this line.]

i. Inactive Voter

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin definition (i) below this line.]

Utah Code 20A-1-102 (35)

"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.

Section 20A-2-306 says: (1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:

(a) confirms in writing that the voter has changed residence to a place outside the county; or

(b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) has failed to respond to the notice required by Subsection (3).....

[End definition (i) above this line.]

j. Other terms (please specify) _____

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin response to above question (A2) below this line.]

Utah Code Title 20A Chapter 16 – Uniform Military and Overseas Act

101. Title.

This chapter is known as "Uniform Military and Overseas Voters Act."

102. Definitions.

As used in this chapter:

- (1) "Covered voter" means:
 - (a) a uniformed-service voter or an overseas voter who is registered to vote in the state; or
 - (b) a uniformed-service voter whose voting residence is in the state and who otherwise satisfies the state's voter eligibility requirements.
- (2) "Dependent" means an individual recognized as a dependent by a uniformed service.
- (3) "Federal postcard application" means the application prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Sec. 101(b)(2), 42 U.S.C. Sec. 1973ff(b)(2).
- (4) "Federal write-in absentee ballot" means the ballot described in the Uniformed and Overseas Citizens Absentee Voting Act, Sec. 103, 42 U.S.C. Sec. 1973ff-2.
- (5) "Military-overseas ballot" means:
 - (a) a federal write-in absentee ballot;
 - (b) a ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or
 - (c) a ballot cast by a covered voter in accordance with this chapter.
- (6) "Overseas voter" means a United States citizen who is outside the United States.
- (7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (8) "Uniformed service" means:
 - (a) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;
 - (b) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
 - (c) the National Guard.
- (9) "Uniformed-service voter" means an individual who is qualified to vote and is:
 - (a) a member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
 - (b) a member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
 - (c) a member on activated status of the National Guard; or
 - (d) a spouse or dependent of a member referred to in Subsections (9)(a) through (c).
- (10) "United States" means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

103. Application to elections.

The voting procedures in this chapter apply to an election authorized by this title.

201. Duties of lieutenant governor.

The lieutenant governor shall:

(1) implement this chapter and the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff et seq.;

(2) make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots;

(3) establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter;

(4) (a) develop standardized absentee-voting materials, including privacy and transmission envelopes and electronic equivalents of the envelopes, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in the state; and

(b) to the extent reasonably possible, coordinate with other states on the development required by Subsection (4)(a); and

(5) prescribe the form and content of a declaration:

(a) for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot;

(b) that is based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter; and

(c) that is a prominent part of all balloting materials for which the declaration is required, including an indication of the date of execution of the declaration.

202. Report on absentee ballots.

(1) Not later than 60 days after each regular general election, each county clerk shall submit a report to the lieutenant governor indicating:

(a) the number of ballots sent to covered voters; and

(b) the number of ballots returned by covered voters that were counted.

(2) Not later than 90 days after each regular general election, the lieutenant governor shall submit a statewide report to the Election Assistance Commission that includes the information required by Subsection (1).

301. Overseas voter's registration address.

In registering to vote, an overseas voter who is eligible to vote in the state shall:

(1) use and be assigned to the voting precinct of the address of the last place of residence of the voter in the state; or

(2) if the address described in Subsection (1) is no longer a recognized residential address, be assigned an address for voting purposes.

302. Methods of registering to vote.

(1) To apply to register to vote, in addition to any other approved method, a covered voter

may use a federal postcard application or the application's electronic equivalent.

(2) (a) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the Friday immediately before the election.

(b) If the declaration is received after the Friday immediately before the election, the declaration shall be treated as an application to register to vote for subsequent elections.

(3) (a) The lieutenant governor shall ensure that the electronic transmission system described in Subsection [20A-16-201](#)(3) is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official.

(b) The voter may use the electronic transmission system or any other approved method to register to vote.

401. Methods of applying for military-overseas ballots.

(1) A covered voter who is registered to vote in the state may apply for a military-overseas ballot using:

(a) an absentee ballot application under Section [20A-3-304](#); or

(b) (i) the federal postcard application; or

(ii) the federal postcard application's electronic equivalent.

(2) A covered voter who is not registered to vote in this state may use a federal postcard application or the federal postcard application's electronic equivalent to apply simultaneously to register to vote under Section [20A-16-302](#) and for a military-overseas ballot.

(3) (a) The lieutenant governor shall ensure that the electronic transmission system described in Subsection [20A-16-201](#)(3) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official.

(b) The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

(4) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the Friday immediately before the election.

(5) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official that the voter is a covered voter by:

(a) the use of a federal postcard application or federal write-in absentee ballot;

(b) the use of an overseas address on an approved voter registration application or ballot application; or

(c) the inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

(6) This chapter does not preclude a covered voter from voting under Chapter 3, Part 3, Absentee Voting.

402. Timeliness and scope of application for military-overseas ballot.

(1) An application for a military-overseas ballot is timely if received by the Friday immediately before the election.

(2) An application for a military-overseas ballot for a regular primary election or

municipal primary election, whether or not timely, is effective as an application for a military-overseas ballot for the regular general election or municipal general election.

403. Transmission of unvoted ballots.

(1) For an election for which the state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later than 45 days before the election or, notwithstanding Section [20A-1-401](#), if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.

(2) (a) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose:

- (i) facsimile transmission;
- (ii) email delivery; or
- (iii) if offered by the voter's jurisdiction, Internet delivery.

(b) The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

(3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

404. Timely casting of ballot.

To be valid, a military-overseas ballot shall be:

- (1) received by the appropriate election officer not later than the close of the polls; or
- (2) submitted for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.

405. Federal write-in absentee ballot.

A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot propositions in an election.

406. Disposition of ballot by county clerk.

(1) Upon receipt by the county clerk of the envelope containing a military-overseas ballot, the county clerk shall:

(a) enclose the unopened envelope containing the ballot and the written application of the covered 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; and
- (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 the county clerk's office until the envelope is delivered by the county clerk to the proper election judges.

(2) (a) When reasonably possible, the county clerk shall deliver or mail all military-overseas voter ballot envelopes to the appropriate voting precinct election judges so that the ballots 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](#).

407. Duty of election judges.

(1) (a) Voting precinct election judges shall open envelopes containing military-overseas ballots that are in the judges' 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) compare the signature of the covered voter on the application with the signature on the registration and voting certificate.

(2) (a) The judges shall register the covered 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 covered 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 _____ ." with the reason for the rejection placed in the blank.

(c) When a covered 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 covered voter on the back of the ballot envelope, together with the covered voter's name upon the registration books, constitute the covered voter's registration record.

(d) Nothing in this title may abridge the right of the covered 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 _____ ." with the reason for the rejection placed in the blank.

(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.

408. Receipt of voted ballot.

(1) A valid military-overseas ballot cast in accordance with Section [20A-16-404](#) shall be counted if the military-overseas ballot is delivered by the end of business on the business day before the latest deadline for completing the canvass to the address that the appropriate state or local election office has specified.

(2) If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters, that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

409. Declaration.

A military-overseas ballot shall include or be accompanied by:

(1) a declaration signed by a covered voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or Title 76, Chapter 8, Part 5, Falsification in Official Matters; and

(2) the following statement if the military-overseas ballot is electronically transmitted: "I understand that by electronically transmitting my voted ballot I am voluntarily waiving my right to a secret ballot. Signature of voter _____ Date _____".

410. Confirmation of receipt of application and voted ballot.

The lieutenant governor, in coordination with an election officer, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet:

(1) whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted;

(2) whether the voter's military-overseas ballot has been received; and

(3) the current status of the ballot.

501. Use of voter's email address.

(1) An election officer shall request an email address from each covered voter who registers to vote after January 1, 2012.

(2) An email address provided by a covered voter:

(a) is a private record under Section [63G-2-302](#); and

(b) may be used only for official communication with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the voter

has requested electronic transmission, and verifying the voter's mailing address and physical location.

(3) The request for an email address shall:

(a) describe the purposes for which the email address may be used; and

(b) include a statement that any other use or disclosure of the email address is prohibited.

(4) (a) A covered voter who provides an email address may request that the covered voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the covered voter specifies.

(b) An election official shall provide a military-overseas ballot to a covered voter who makes a standing request for each election to which the request is applicable.

(c) A covered voter who is entitled to receive a military-overseas ballot for a primary election under this Subsection (4) is entitled to receive a military-overseas ballot for the general election.

502. Publication of election notice.

(1) At least 100 days before an election, other than a statewide special election or local special election, and as soon as practicable before a statewide special election or local special election, the election officer shall prepare an election notice for the election officer's jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

(2) The election notice must contain:

(a) a list of all of the ballot propositions and federal, state, and local offices that as of that date the election officer expects to be on the ballot on the date of the election; and

(b) specific instructions for how a covered voter is to indicate on the federal write-in absentee ballot the covered voter's choice for each office to be filled and for each ballot proposition to be contested.

(3) (a) A covered voter may request a copy of an election notice.

(b) The election officer shall send the notice to the covered voter by facsimile, email, or regular mail, as the covered voter requests.

(4) As soon as the ballot is certified, and not later than the date ballots are required to be transmitted to voters under Chapter 3, Part 3, Absentee Voting, the election officer charged with preparing the election notice under Subsection (1) shall update the notice with the certified candidates for each office and ballot propositions and make the updated notice publicly available.

(5) A political subdivision that maintains a website shall make the election notice prepared under this section and updated versions of the election notice regularly available on the website.

503. Prohibition of nonsubstantive requirements.

(1) (a) If a covered voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document.

(b) Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter.

(c) In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on a

regular ballot, if the intention of the covered voter is discernable under this state's uniform definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party is a valid vote.

(2) (a) Notarization is not required for the execution of a document under this chapter.

(b) (i) An authentication, other than the declaration specified in Section [20A-16-409](#) or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this chapter.

(ii) The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

504. Equitable relief.

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:

- (1) a covered voter alleging a grievance under this chapter; or
- (2) an election officer.

505. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

506. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (B1) below this line.]

Our office developed and maintains a statewide voter registration database called Voter System & Tracking Application (VISTA). The county clerks provide real time information and are the only ones who can add, delete, or make any changes to any particular registrant's information, not the state.

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above clarification question to B1 below this line.]

Real time, live data.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (B2) below this line.]

A voter is placed on the inactive list when the county clerk has obtained evidence that the voter's residence has changed, has been mailed notice asking for an updated address, and has not responded to the notice.

If a voter responds to the notice or votes within two general election following the date of the notice, the voter will be place on the active list.

The process is not different for UOCAVA voters.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☐ **No Change Since 2010** ☒ **Changed Since 2010**

2010 Response:

[Begin response to above question (B3) below this line.]

Utah Code 20A-2-305

(1) The county clerk may not remove a voter's name from the official register because the voter has failed to vote in an election.

(2) The county clerk shall remove a voter's name from the official register if:

(a) the voter dies and the requirements of Subsection (3) are met;

(b) the county clerk, after complying with the requirements of Section [20A-2-306](#), receives written confirmation from the voter that the voter no longer resides within the county clerk's county;

(c) the county clerk has:

(i) obtained evidence that the voter's residence has changed;

(ii) mailed notice to the voter as required by Section [20A-2-306](#);

(iii) (A) received no response from the voter; or

(B) not received information that confirms the voter's residence; and

(iv) the voter has failed to vote or appear to vote in an election during the period beginning on the date of the notice described in Section [20A-2-306](#) and ending on the day after the date of the second regular general election occurring after the date of the notice;

(d) the voter requests, in writing, that the voter's name be removed from the official register;

(e) the county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter;

(f) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for an offense under this title and the voter's right to vote has not been restored as provided in Section [20A-2-101.3](#) or [20A-2-101.5](#); or

(g) the county clerk receives notice that a voter has registered to vote in another state after the day on which the voter registered to vote in this state.

(3) The county clerk shall remove a voter's name from the registration list within 21 days of receipt of confirmation from the Department of Health's Bureau of Vital Records that a voter is deceased.

Utah Code 20A-2-306

Removing names from the official register -- Determining and confirming change of residence.

(1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:

(a) confirms in writing that the voter has changed residence to a place outside the county; or

(b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) has failed to respond to the notice required by Subsection (3).

(2) (a) When a county clerk obtains information that a voter's address has changed and it appears that the voter still resides within the same county, the county clerk shall:

(i) change the official register to show the voter's new address; and

(ii) send to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(b) When a county clerk obtains information that a voter's address has changed and it

appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(3) Each county clerk shall use substantially the following form to notify voters whose addresses have changed:

"VOTER REGISTRATION NOTICE

We have been notified that your residence has changed. Please read, complete, and return this form so that we can update our voter registration records. What is your current street address?

Street	City	County	State	Zip
--------	------	--------	-------	-----

If you have not changed your residence or have moved but stayed within the same county, you must complete and return this form to the county clerk so that it is received by the county clerk no later than 30 days before the date of the election. If you fail to return this form within that time:

- you may be required to show evidence of your address to the poll worker before being allowed to vote in either of the next two regular general elections; or
- if you fail to vote at least once from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

Signature of Voter"

(4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the names of any voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election.

(b) The county clerk may remove the names of voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election if:

(i) the voter requests, in writing, that his name be removed; or

(ii) the voter has died.

(c) (i) After a county clerk mails a notice as required in this section, the clerk may list that voter as inactive.

(ii) An inactive voter must be allowed to vote, sign petitions, and have all other privileges of a registered voter.

(iii) A county is not required to send routine mailings to inactive voters and is not required to count inactive voters when dividing precincts and preparing supplies.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

 No Change Since 2010

 X Changed Since 2010

2010 Response:

[Begin response to above question (B4) below this line.]

Yes our voter registration system (VISTA) shares information electronically with driver license agency. Our system also shares information with the Social Security Office.

Beginning in September, Utah began to share data with the Electronic Registration Information Center, Inc., a membership-based not-for-profit corporation that operates an interstate data matching exchange comparing information on eligible voters from multiple official data sources, including driver license and voter registration records, and reports back to the states on registrants who have moved or died, had other changes to their voting eligibility or voted more than once.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (B5) below this line.]

N/A

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (B6) below this line.]

Utah Code 20A-2-101.5

Convicted felons -- Restoration of right to vote and right to hold office

(1) As used in this section, "convicted felon" means a person convicted of a felony in any state or federal court of the United States.

(2) Each convicted felon's right to register to vote and to vote in an election is restored

when:

- (a) the felon is sentenced to probation;
- (b) the felon is granted parole; or
- (c) the felon has successfully completed the term of incarceration to which the felon was sentenced.

(3) Each convicted felon's right to hold elective office is restored when:

- (a) all of the felon's felony convictions have been expunged; or
- (b) (i) ten years have passed since the date of the felon's most recent felony conviction;
- (ii) the felon has paid all court-ordered restitution and fines; and
- (iii) for each felony conviction that has not been expunged, the felon has:
 - (A) completed probation in relation to the felony;
 - (B) been granted parole in relation to the felony; or
 - (C) successfully completed the term of incarceration associated with the felony.

Voting rights are automatically restored and no documentation is required to register to vote.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin response to above question (B7) below this line.]

Utah Code 20A-2-206. Electronic registration.

(1) The lieutenant governor may create and maintain an electronic system for voter registration and requesting an absentee ballot that is publicly available on the Internet.

(2) An electronic system for voter registration shall require:

(a) that an applicant have a valid driver license or identification card, issued under Title 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of residence;

(b) that the applicant provide the information required by Section **20A-2-104**, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (4);

(c) that the applicant attest to the truth of the information provided; and

(d) that the applicant authorize the lieutenant governor's and county clerk's use of the applicant's driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration purposes.

(3) Notwithstanding Section **20A-2-104**, an applicant using the electronic system for voter registration created under this section is not required to complete a printed registration form.

(4) A system created and maintained under this section shall provide the notices

concerning a voter's presentation of identification contained in Subsection **20A-2-104(1)**.

(5) The lieutenant governor shall obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division.

(6) Upon receiving all information from an applicant and the Driver License Division, the lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section **20A-2-304**.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.

(8) (a) If an individual applies to register under this section during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of an election, the county clerk shall:

(i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and

(ii) inform the individual that:

(A) the individual is registered to vote in the pending election; and

(B) for the pending election, the individual must vote on the day of the election and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the individual registered too late.

(b) If an individual applies to register under this section during the 14 calendar days before an election, the county clerk shall:

(i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and

(ii) inform the individual that the individual is registered to vote but may not vote in the pending election because the individual registered too late.

(9) (a) A registered voter may file an application for an absentee ballot in accordance with Section **20A-3-304** on the electronic system for voter registration established under this section.

If the voter's address or any other information is different from the information on file with the Driver License Division, the voter is required to print, sign, and mail their voter registration form.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (a) below this line.]

Votes are counted at a central location

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (b) below this line.]

Yes

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (c) below this line.]

Absentee, mail, etc., votes are reported separately for each precinct

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (d) below this line.]

Ballots are counts the same as response to question c, and are reported through our voter database, VISTA.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (C2) below this line.]

Our state has no-excuse absentee voting

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin response to above question (C3) below this line.]

20A-3-601. Early voting.

(1) A person who is registered to vote may vote before the election date in accordance with this section.

(2) (a) The early voting period shall begin on the date that is 14 days before the date of the election.

(b) Early voting shall continue through the Friday before the election if the election date is a Tuesday. (c) During the early voting period, the election officer:

(i) for local special elections, municipal primary elections, and municipal general elections:

(A) shall conduct early voting on a minimum of four days during each week of the early voting period; and

(B) shall conduct early voting on the last day of the early voting period; and

- (ii) for all other elections:
 - (A) shall conduct early voting on each weekday; and
 - (B) may elect to conduct early voting on Saturdays, Sundays, or holidays.
- (3) Except as specifically provided in this Part 6, Early Voting, early voting shall be administered according to the requirements of this title.

20A-3-602. Hours for early voting.

(1) The election officer shall determine the times for opening and closing the polls for each day of early voting provided that:

(a) voting is open for a minimum of four hours during each day that polls are open during the early voting period; and

(b) polls shall close at 5 p.m. on the last day of the early voting period.

(2) Every registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

20A-3-603. Early voting polling places.

(1) The election officer shall designate one or more polling places for early voting, provided that:

(a) except as provided in Subsection (3), at least one polling place is open on each day that polls are open during the early voting period;

(b) each polling place meets the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place are accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

(d) each polling place is located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

(i) can be scheduled for use during early voting hours;

(ii) has the physical facilities necessary to accommodate early voting requirements;

(iii) has adequate space for voting equipment, poll workers, and voters; and

(iv) has adequate security, public accessibility, and parking.

(2) (a) In the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.

(b) If an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the additional polling place by:

(i) publishing the notice in one issue of a newspaper of general circulation in the county; and

(ii) posting the notice at the additional polling place.

(3) For each regular general election and regular primary election, counties of the first class shall ensure that:

(a) at least one polling place is located within each Utah State Senate district that is located wholly or partially within the county; and

(b) at least one polling place located within each district is open on each day that polls are open during the early voting period.

Votes are usually reported right after the poll close on election day. They can not be reported before the polls close on election day

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin response to above question (C4) below this line.]

Yes.

20A-3-302. Conducting entire election by absentee ballot.

(1) Notwithstanding Section [17B-1-306](#), an election officer may administer an election entirely by absentee ballot.

(2) If the election officer decides to administer an election entirely by absentee ballot, the election officer shall mail to each registered voter within that voting precinct:

- (a) an absentee ballot;
- (b) a statement that there will be no polling place in the voting precinct for the election;
- (c) a business reply mail envelope;
- (d) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
- (e) if the election officer does not operate an election day voting center, 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, the voter 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) An election officer who administers an election entirely by absentee ballot shall:

- (a) (i) obtain, in person, the signatures of each voter within that voting precinct before the election; or
- (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
- (b) maintain the signatures on file in the election officer's office.

(5) (a) Upon receiving the returned absentee ballots, the election officer 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.

(b) If the election officer questions the authenticity of the signature on the absentee ballot, the election officer shall immediately contact the voter to verify the signature.

(c) If the voter does not confirm the voter's signature on the absentee ballot, the election officer shall:

- (i) immediately send another absentee ballot and other voting materials as required by this subsection to the voter; and
- (ii) disqualify the initial absentee ballot.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (C5) below this line.]

Utah Code 20A-3-105.5. Manner of voting -- Provisional ballot.

- (1) The poll workers 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**;
 - (b) the person's name is not found on the official register; or
 - (c) the poll worker is not satisfied that the voter has provided valid voter identification.
- (2) When faced with one of the circumstances outlined in Subsection (1)(a) or (1)(b), the poll worker shall:
 - (a) request that the person provide valid voter identification; and
 - (b) review the identification provided by the person.
- (3) If the poll worker is satisfied that the person has provided valid voter identification that establishes the person's identity and residence in the voting precinct:
 - (a) the poll worker in charge of the official register shall:
 - (i) record in the official register the type of identification that established the person's identity and place 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 poll worker shall list the ballot number and voter's name in the pollbook; and
 - (c) the poll worker 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 poll worker is not satisfied that the voter has provided valid voter identification that establishes the person's identity and residence in the voting precinct:
 - (a) the poll worker in charge of the official register shall:
 - (i) record in the official register that the voter did not provide valid voter identification;
 - (ii) record in the official register the type of identification that was provided by the voter, if any;
 - (iii) write the provisional ballot envelope number opposite the name of the voter in the official register; and

- (iv) direct the voter to sign his name in the election column in the official register;
- (b) another poll worker shall list the ballot number and voter's name in the pollbook; and
- (c) the poll worker 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 poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

 No Change Since 2010 X Changed Since 2010

2010 Response:

[Begin response to above question (C6) below this line.]

Our state will count provisional ballots of voters who are registered in a different precinct if that person provides valid voter identification that he is now a permanent resident in the precinct he is now voting in.

If a voter votes in the wrong precinct but their ballot would be the same had they voted in their registered precinct, their vote will be counted.

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 person:
 - (i) is registered to vote in the state;
 - (ii) resides within the voting precinct where the voter seeks to vote; and
 - (iii) provided valid voter identification to the poll worker as indicated by a notation in the official register;
 - (b) the person:
 - (i) is registered to vote in the state;
 - (ii) (A) provided valid voter identification to the poll worker as indicated by a notation in the official register; or
 - (B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the voter's identity and residence through some other means; and
 - (iii) did not vote in the person's precinct of residence, but the ballot that the person voted is identical to the ballot voted in the voter's precinct of residence; or

- (c) the person:
- (i) is registered to vote in the state;
 - (ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register; and
 - (iii) (A) the county clerk verifies the person's identity and residence through some other means as reliable as photo identification; or
 - (B) the person provides valid voter identification to the county clerk or an election officer who is administering the election by the close of normal office hours on Monday after the date of the election.
- (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 person 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 person's identity and 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 person.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

 X **No Change Since 2010** **Changed Since 2010**

2010 Response:

[Begin response to above question (C7) below this line.]

STATE OF UTAH
OFFICE OF THE LIEUTENANT GOVERNOR
Election Policy
Adopted October 17, 2006

Pursuant to the general supervisory authority over all elections and direct authority over the conduct of elections for federal, state, and multi-county officers and statewide or multi-county ballot propositions and any recounts involving those races granted to the lieutenant governor by statute, all election officials shall maintain the following minimum standards and implement the following basic procedures when conducting an election using Diebold AccuVote TSx or AccuVote OS voting machines in the State of Utah:

1. Authority: Utah Code section 67-1a-2 and Utah Constitution Article VII, sections 1 and 14 authorize the lieutenant governor to issue this policy.
2. Purpose: This policy establishes minimum standards and basic procedures for conducting elections using Diebold AccuVote TSx or AccuVote OS voting machines in the State of Utah.
3. Definitions: Unless otherwise defined in this policy, terms shall have the same meanings established in Utah Code Title 20A.
 - 3.1. Audit means a comparison of machine counted totals of votes recorded on a voting machine with the hand counted totals of votes recorded on the corresponding permanent paper record.
 - 3.2. Ballot proposition does not include judicial retention questions for purposes of this policy.
 - 3.3. Random number generator means a verified statistical algorithm to produce pseudo random numbers available in commercial statistical software packages.
4. System Security: Prior to any election, the election officer shall assign both a new and unique "Security Key" and a new and unique "Authorization PIN" for that election in the Global Election Management Software (GEMS) system.
5. Permanent Paper Record:
 - 5.1. Utah Code section 20A-5-302 requires that automated voting systems produce a permanent paper record that is available for the voter to inspect before leaving the polling place.
 - 5.2. For Diebold AccuVote OS voting equipment, the optical scan ballot sheet is the permanent paper record.
 - 5.3. For Diebold AccuVote TSx voting machines:
 - 5.3.1. The journal tape is the permanent paper record.

- 5.3.2. Upon inserting a journal take-up canister into the Diebold AccuFeed printer module, at least two election officials shall:
 - 5.3.2.1. Affix at least one tamper evident tape seal to the canister.
 - 5.3.2.2. Record the jurisdiction, date, polling place, AccuVote TSx serial number, and canister number within the series of canisters assigned to the voting machine for that election.
 - 5.3.2.3. Sign the beginning of the journal tape. These signatures may follow the zero totals report.
- 5.3.3. Upon removing a journal take-up canister from the Diebold AccuFeed printer module, at least two election officials shall:
 - 5.3.3.1. Sign the end of the journal tape. These signatures may follow the summary totals report.
 - 5.3.3.2. Compare the AccuVote TSx serial number recorded for that canister with the serial number on the voting machine.
 - 5.3.3.3. Record any difference between the two numbers on the log provided by the election officer for that purpose.
 - 5.3.3.4. Ascertain the reasons for any difference between the two numbers and record the reasons on the log provided by the election officer for the purpose.
 - 5.3.3.5. Examine the tamper evident tape seal.
 - 5.3.3.6. Record any evidence of tampering on the log provided by the election officer for that purpose.
 - 5.3.3.7. Ascertain the reasons for any evidence of tampering and record the reasons on a log provided by the election officer for that purpose.
- 5.3.4. Except as directed in sections six and seven of this policy, election officers shall:
 - 5.3.4.1. If an election contest is pending, follow the directions in Utah Code subsection 20A-4-202(4).
 - 5.3.4.2. Until the period for initiating an election contest defined in Utah Code section 20A-4-403 expires, store all journal take-up canisters used in an election with the tamper evident tape seals intact.
 - 5.3.4.3. After the period for initiating an election contest defined in Utah Code section 20A-4-403 has expired:
 - 5.3.4.3.1. Remove the tamper evident tape seals from the canisters.
 - 5.3.4.3.2. Remove the journal tapes from their spindles and place the journal tapes in long-term storage containers.
 - 5.3.4.3.3. Store and then destroy the journal tapes with all other election returns as directed in Utah Code section 20A-4-202.
- 5.4. Each election officer shall make the tamper evident tape seal logs available for inspection by the board of canvassers.
- 5.5. Each election officer shall store the tamper evident tape seal logs with all other election returns as directed in Utah Code section 20A-4-202.
- 5.6. Each election officer shall transmit a summary of all tamper evident tape seal logs to the lieutenant governor with the canvassers' report required by Utah Code section 20A-4-304.

6. Audits:

- 6.1. No later than noon on Election Day, each election officer shall submit to the lieutenant governor a list of AccuVote TSx and precinct-count AccuVote OS voting machine serial numbers and the Utah House of Representative districts in which each voting machine is deployed to record votes.
- 6.2. Using the following procedure, the lieutenant governor shall select at least one percent of the total number of AccuVote TSx and precinct-count AccuVote OS voting machines used statewide in the election to be audited:
 - 6.2.1. For each Utah House of Representatives district:
 - 6.2.1.1. Beginning with one and increasing by one until all machines deployed in the district are numbered; assign a sequential number to each voting machine.
 - 6.2.1.2. If a voting machine will record votes for more than one district, assign a number for each of the districts.
 - 6.2.2. Using a random number generator, identify for audit one voting machine in each Utah House of Representative district.
 - 6.2.3. If a machine previously identified for audit in one district is identified for audit in a subsequent district, repeat the procedure in subsection 6.2.2 until a machine not previously identified for audit is selected.
 - 6.2.4. If one percent of the total number of voting machines used statewide in the election is greater than the total number of Utah House of Representative districts:
 - 6.2.4.1. Using a random number generator, identify one of the districts for an additional audit.
 - 6.2.4.2. If a district previously identified in subsection 6.2.4.1 is subsequently identified before all districts have been identified for additional audit, repeat the procedure in 6.2.4.1 until a district not previously identified for additional audit is selected.
 - 6.2.4.3. Using a random number generator, identify one voting machine in the district identified for an additional audit.
 - 6.2.4.4. If a previously identified machine is subsequently identified for an additional audit, repeat the procedure in subsection 6.2.4.3 until a machine not previously identified is selected.
 - 6.2.4.5. Repeat the procedures in subsections 6.2.4.1 through 6.2.4.4 until one percent of the total voting machines used statewide in the election are identified for audit.
- 6.3. After the polls close on Election Day but no later than noon the next day, the lieutenant governor shall inform the appropriate election officers of the machines identified for audit.
- 6.4. Each election officer who will conduct an audit shall:
 - 6.4.1. Provide notice of the time and place of the audit by publishing the notice at least two days before the audit in a newspaper of general circulation common to the area in which the election was held. This notice may be included in the notice required by Utah Code subsection 20A-5-101(3).
 - 6.4.2. Permit counting poll watchers, as defined and regulated in Utah Code section 20A-3-201, to observe the audit.

- 6.4.3. Include in the audit log copies of the pre-election and post-election logic and accuracy test reports produced for all central-count AccuVote OS voting machines used in the election.
- 6.4.4. Preserve precinct-count optical scan ballots in segregated groups according to the polling place where the ballots were cast.
- 6.5. Between the closing of the polls on Election Day and the meeting of the jurisdiction's board of canvassers, each election officer shall, for each machine identified for audit, direct that at least two election officials:
 - 6.5.1. Print a total report for the memory card.
 - 6.5.2. For precinct-count optical scan ballots:
 - 6.5.2.1. Hand count the votes recorded on each ballot for each ballot proposition and partisan office.
 - 6.5.2.2. Record the total number of votes hand-counted for each ballot proposition and partisan office on a log provided by the election officer for that purpose.
 - 6.5.3. For each journal tape take-up canister:
 - 6.5.3.1. Examine the tamper evident tape seal.
 - 6.5.3.2. Note any evidence of tampering on a log provided by the election officer for that purpose.
 - 6.5.3.3. Ascertain the reasons for any evidence of tampering and record the reasons on a log provided by the election officer for that purpose.
 - 6.5.3.4. Remove the tamper evident tape seal.
 - 6.5.3.5. Hand count the votes recorded on the journal tape for each ballot proposition and partisan office.
 - 6.5.3.6. Record the total number of votes hand-counted for each ballot proposition and partisan office on a log provided by the election officer for that purpose.
 - 6.5.4. For each ballot proposition and partisan office, compare the hand-counted results with the results on the machine total report printed under subsection 6.5.1.
 - 6.5.5. Note any differences between the hand-counted results and the machine total report results on a log provided by the election officer for that purpose.
 - 6.5.6. Ascertain the reasons for any differences between the hand-counted and the machine total report results and record the reasons on a log provided by the election officer for that purpose.
 - 6.5.7. If applicable, note on a log provided by the election officer for that purpose that an audited machine was used both in early voting and on Election Day.
- 6.6. If a machine identified for audit failed on Election Day and was replaced by another machine, the election officer shall audit both the replacement machine and, to the extent possible, the failed machine.
- 6.7. Each election officer shall make the audit logs available for inspection by the board of canvassers.
- 6.8. Each election officer shall store the audit logs with all other election returns as directed in Utah Code section 20A-4-202.
- 6.9. Each election officer shall transmit a summary the audit logs to the lieutenant governor with the canvassers' reports required by Utah Code section 20A-4-304.

7. Recounts:

7.1. Utah Code section 20A-4-401 permits recounts under certain circumstances.

7.2. Election officers who receive recount requests under Utah Code section 20A-4-401 shall:

7.2.1. Provide not less than 24 hours notice of the time and place of the recount by posting a written notice at the election officer's principal office and providing notice to at least one newspaper of general circulation within the election officer's geographic jurisdiction or a local media correspondent.

7.2.2. Permit counting poll watchers, as defined and regulated in Utah Code section 20A-3-201, to observe the recount.

7.2.3. Conduct an audit of voting machines used to record votes in the recount race as directed in subsection 7.3.

7.2.4. Follow the procedures outlined in Utah Code section 20A-4-401 for recounting absentee ballots.

7.2.5. Upload the recounted absentee ballot information into a new Global Election Management Software (GEMS) database.

7.2.6. Upload into the database created in subsection 7.2.5 all memory cards on which votes cast in the recount race are recorded.

7.2.7. Declare the winner as directed in Utah Code section 20A-4-401

7.3. Audits of recount races:

7.3.1. If the recount race is a statewide ballot proposition or partisan office race, the audit performed under section 6 satisfies the recount audit requirement.

7.3.2. If the recount race is a U.S. House of Representatives race, the lieutenant governor shall use the procedure in subsection 7.3.7 to identify for audit at least three percent of the machines used to record votes in that race.

7.3.3. If a the recount race is a multi-county ballot proposition, partisan office race or non-partisan office race, the lieutenant governor shall use the procedure in subsection 7.3.7 to identify for audit:

7.3.3.1. In a district with a population greater than 125,000, at least three percent of the machines used to record votes in that race.

7.3.3.2. In a district with a population equal to or less than 125,000, at least five percent of the machines used to record votes in that race.

7.3.4. If the recount race is a county-wide ballot proposition, partisan office race or non-partisan office race, the county clerk shall use the procedure in 7.3.7 to identify for audit:

7.3.4.1. In counties of the first class, at least one percent of the machines used to record votes in that race.

7.3.4.2. In counties of the second or third class at least three percent of the machines used to record votes in that race.

7.3.4.3. In counties of the fourth, fifth, or sixth class, at least five percent of the machines used to record vote in that race.

7.3.5. If the recount race is a ballot proposition, partisan office race or non-partisan office race for which the district population is greater than 125,000, the county clerk shall use the procedure in 7.3.7 to identify for audit three percent of the machines used to record votes in that race.

- 7.3.6. If the recount race is any other ballot proposition, partisan office race or non-partisan office race, the county clerk shall use the procedure in subsection 7.3.7 to identify at least five percent of the machines used to record votes in that race to be audited.
- 7.3.7. Identifying machines to be audited:
- 7.3.7.1. In multi-county races
- 7.3.7.1.1. For each county, beginning with one and increasing by one until all machines deployed in the county have been numbered; assign a sequential number to each voting machine.
- 7.3.7.1.2. Using a random number generator, identify for audit one voting machine in each county.
- 7.3.7.1.3. If the required percentage of the total number of voting machines used in the recount race is greater than the total number of counties:
- 7.3.7.1.3.1. Using a random number generator, identify one of the counties for an additional audit.
- 7.3.7.1.3.2. If a county previously identified in subsection 7.3.7.1.3.1 is subsequently identified before all counties have been identified for additional audit, repeat the procedure in 7.3.7.1.3.1 until a county not previously identified for additional audit is selected.
- 7.3.7.1.3.3. Using a random number generator, identify one voting machine in the county identified for an additional audit.
- 7.3.7.1.3.4. If a previously identified machine is subsequently identified for an additional audit, repeat the procedure in subsection 7.3.7.1.3.3 until a machine not previously identified is selected.
- 7.3.7.1.3.5. Repeat the procedures in subsections 7.3.7.1.3.1 through 7.3.7.1.3.4 until the required percentage of the total voting machines used in the recount race have been identified for audit.
- 7.3.7.2. In all other races:
- 7.3.7.2.1. Beginning with one and increasing by one until all machines used to record recount race votes are numbered; assign a sequential number to each voting machine.
- 7.3.7.2.2. Using a random number generator, identify for audit the required number of voting machines.
- 7.3.7.3. Provided that the recount race was included in the audit prior to the canvass, if a machine identified for a recount audit was audited prior to the canvass, the results of the audit prior to the canvass may be used instead of conducting a recount audit on that machine.
- 7.3.8. For each voting machine identified for audit, direct that at least two election officials:
- 7.3.8.1. Print a total report for the memory card.
- 7.3.8.2. For precinct-count optical scan ballots:
- 7.3.8.2.1. Hand count the votes recorded on each ballot for the race to be recounted.
- 7.3.8.2.2. Record the total number of votes hand-counted for the race to be recounted on a log provided by the election officer for that purpose.
- 7.3.8.3. For each journal tape take-up canister used in the machine:

- 7.3.8.3.1. Examine the tamper evident tape seal.
- 7.3.8.3.2. Note any evidence of tampering on a log provided by the election officer for that purpose.
- 7.3.8.3.3. Ascertain the reasons for any evidence of tampering and record the reasons on a log provided by the election officer for that purpose.
- 7.3.8.3.4. Remove the tamper evident tape seal.
- 7.3.8.3.5. Hand count the votes recorded on the journal tape for the recount race.
- 7.3.8.3.6. Record the total number of votes hand-counted for the recount race on a log provided by the election officer for that purpose.
- 7.3.8.4. For the recount race, compare the hand-counted results with the results on the machine total report printed under subsection 7.3.8.1.
- 7.3.8.5. Note any differences between the hand-counted results and the machine total report results on a log provided by the election officer for that purpose.
- 7.3.8.6. Ascertain the reasons for any differences between the hand-counted and the machine total report results and record the reasons on a log provided by the election officer for that purpose.
- 7.4. Each election officer shall make the recount logs available for inspection by the board of canvassers.
- 7.5. Each election officer shall store the recount logs with all other election returns as directed in Utah Code section 20A-4-202.
- 7.6. Each election officer shall transmit a summary of all recount logs to the lieutenant governor with the canvassers' reports required by Utah Code section 20A-4-304.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (C8) below this line.]

No state required training.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (D1) below this line.]

Utah Administration Code R623-2-4

A. A correctly voted optical scan ballot occurs when a voter, using a readable marker, fills in or connects at least one of the ovals/arrows per race, question, or issue, not to exceed the maximum allowable votes per race, question or issue, in accordance with the ballot marking instructions.

B. Optical scan equipment shall be set to consistent and uniform sensitivity standards for each system type.

C. Pre-election testing shall be performed by the designated election official in accordance with Utah Code Section 20A-4-104(1).

D. Election day count machine settings shall be set to sort blank ballots, overvotes, and write-in votes.

E. When a precinct optical scan counter is used in the precinct the procedure is as follows:

1. A zero tape shall be run indicating no votes cast or counted before the machine is used.

2. Voters whose ballots are rejected or sorted by the precinct counter as a blank, overvoted or undervoted ballot shall be given the opportunity to correct their ballot.

3. Ballots sorted to a write-in bin shall be tallied at the conclusion of the voting and delivered to the central counting center in a secure container.

F. When using a central count optical scan counter, the procedure is as follows:

1. A zero tape shall be run indicating no votes cast or counted before the counting begins.

2. Official ballots shall be processed through the optical scanner, with write in votes tallied. If there are no legally qualified write-in candidates, the write-in sort option shall not be utilized.

3. The optical scanner shall be tested again by tabulating the test deck at the conclusion of the count.

G. Resolution of optical scan ballots shall be as follows:

1. Damaged or defective ballots shall be repaired, if possible, to be accepted by the optical scan equipment. If the ballot is damaged beyond repair, the ballot shall be duplicated utilizing the ballot duplication procedures established in Utah Code Section 20A-4-104(3).
2. Blank ballots shall be examined by the resolution board to determine if the ballot is a true blank ballot or one that has been marked with a non-detected device. The resolution board may clarify a non-detected mark in such a manner that the original voter mark is preserved, such as making a detectable line through the non-detected mark, placing a removable label over the non-detected mark and marking with the proper device, or placing cellophane tape over the mark and a marked removable label to properly reflect the voter's intent. The election officer must initial the clarification in a non-readable area on the ballot next to the clarification. The election official may also choose to make a true duplicate copy of the ballot utilizing the ballot duplication procedures. If a ballot is truly blank, it shall be sent back for the resolution pass through the scanner, and the ballot tabulated with no races, issues or questions voted.
3. Overvoted ballots shall be inspected by the resolution board. Any marks that are clearly identified as unintentional but register as an overvote on the scanner may be clarified by the election officer by the placement of a removable adhesive sticker over the unintentional mark to properly reflect the voter's intent. The election officer must initial next to the clarification in a non-readable portion of the ballot. The election officer may also choose to make a true duplicate copy of the ballot utilizing the procedures for duplication of ballots.
4. Write-in votes sorted by the optical scan equipment on election day shall be designated for hand counting. In order to be counted, the oval must be darkened or the arrow connected according to the appropriate voting instructions.

H. Recount Procedures for Optical Scan.

1. Optical scan equipment shall be set to consistent sensitivity standards for each system type, shall be tested prior to the recount, and shall be programmed to sort undervotes for the individuals race(s), issue(s) or question(s) being recounted.
2. Recounts will include a visual inspection of all ballots cast for write-in candidates in the contested race(s) to determine voter intent.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (a) below this line.]

No identification is required when registering to vote as all voters are required to show ID at the polls.

[End response to above question (a) above this line.]

b. casting an in-person ballot;

_____ **No Change Since 2010** X **Changed Since 2010**

2010 Response:

[Begin response to above question (b) below this line.]

(82) "Valid voter identification" means:

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

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

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

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

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- (ii) a bank or other financial account statement, or a legible copy thereof;
 - (iii) a certified birth certificate;
 - (iv) a valid Social Security card;
 - (v) a check issued by the state or the federal government or a legible copy thereof;
 - (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - (vii) a currently valid Utah hunting or fishing license;
 - (viii) certified naturalization documentation;
 - (ix) a currently valid license issued by an authorized agency of the United States;
 - (x) a certified copy of court records showing the voter's adoption or name change;

- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:
 - (A) a local government within the state;
 - (B) an employer for an employee; or
 - (C) a college, university, technical school, or professional school located within the state; or
- (xiii) a current Utah vehicle registration.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (c) below this line.]

If the voter did not show valid voter identification when registering, they will be required to show it.

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (d) below this line.]

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

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

 X No Change Since 2010 Changed Since 2010

2010 Response:

[Begin response to above question (e) below this line.]

Same as a.

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

 X **No Change Since 2010** **Changed Since 2010**

2010 Response:

[Begin response to above question (D3) below this line.]

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 poll workers, 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 poll workers, 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 sheets, 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 poll workers, by an affidavit made by the candidate appointing him.

(iv) Each issue poll watcher shall be designated, and his selection made known to the poll

workers, 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 poll workers 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.

(7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any

interested person may act as a testing watcher to observe a demonstration of logic and accuracy testing of the voting devices prior to the commencement of voting.

(b) The election officer shall give prior notice of the logic and accuracy testing demonstration at least two days prior to the date of the demonstration by publishing notice of the date, time, and location of the demonstration:

(i) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(ii) as required in Section **45-1-101**.

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

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (E1) below this line.]

No

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change Since 2010** ☐ **Changed Since 2010**

2010 Response:

[Begin response to above question (E2) below this line.]

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2012 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.