

Effective 5/4/2022

20A-3a-801 Watchers.

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

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

(2)

- (a) Any individual who is registered or preregistered to vote in Utah may become a watcher in an election at any time by registering as a watcher with the administering election officer.
- (b) An individual who registers under Subsection (2)(a) is not required to be certified by a person under Subsection (3) in order to act as a watcher.
- (c) An individual who registers as a watcher shall notify the administering election officer of the dates, times, and locations that the individual intends to act as a watcher.
- (d) An election official may not prohibit a watcher from performing a function described in Subsection (4) because the watcher did not provide the notice described in Subsection (2)(c).
- (e) An administering election officer shall provide a copy of this section, or instructions on how to access an electronic copy of this section, to a watcher at the time the watcher registers under this Subsection (2).

(3)

- (a) A person that is a candidate whose name will appear on the ballot, a qualified write-in candidate for the election, a registered political party, or a political issues committee may certify an individual as an official watcher for the person:
 - (i) by filing an affidavit with the administering election officer responsible to designate an individual as an official watcher for the certifying person; and
 - (ii) if the individual registers as a watcher under Subsection (2)(a).
- (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the same function described in Subsection (4) at the same time and in the same location as another watcher who is certified by that person.
- (c) A watcher who is certified by a person under Subsection (3)(a) may designate another individual to serve in the watcher's stead during the watcher's temporary absence by filing with a poll worker an affidavit that designates the individual as a temporary replacement.

(4) A watcher may:

- (a) observe the setup or takedown of a polling place;
- (b) observe a voter checking in at a polling place;
- (c) observe the collection, receipt, and processing of a ballot, including a provisional ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
- (d) observe the transport or transmission of a ballot that is in an election official's custody;
- (e) observe the opening and inspection of a manual ballot;
- (f) observe ballot replication;
- (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
- (h) observe ballot tabulation;
- (i) observe the process of storing and securing a ballot;
- (j) observe a post-election audit;
- (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3, Canvassing Returns;
- (l) observe the certification of the results of an election;
- (m) observe a recount; or
- (n) observe signature verification.

(5) An administering election officer shall:

- (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an election process;
- (b) establish locations for a watcher to observe an event described in Subsection (4), other than an event described in Subsection (4)(d) or (k), from no further than six feet away; and
- (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or upload of votes from a voting machine or scanner, that is conducted on a computer screen, project the activity onto a screen that is large enough to be viewed by each watcher.

(6)

(a) A watcher may not:

- (i) record an activity described in Subsection (4) if the recording would reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
- (ii) interfere with an activity described in Subsection (4), except to challenge an individual's eligibility to vote under Section 20A-3a-803; or
- (iii) divulge information related to the number of votes counted, tabulated, or cast for a candidate or ballot proposition until after the election officer makes the information public.

(b) A person who violates Subsection (6)(a)(iii) is guilty of a third degree felony.

(7)

(a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working environment for an election official or to protect the safety or security of a ballot, an administering election officer may take reasonable action to:

- (i) limit the number of watchers at a single location;
- (ii) remove a watcher for violating a provision of this section;
- (iii) remove a watcher for interfering with an activity described in Subsection (4);
- (iv) designate areas for a watcher to reasonably observe the activities described in Subsection (4); or
- (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

(b) If an administering election officer limits the number of watchers at a single location under Subsection (6)(a)(i), the administering election officer shall give preferential access to the location to a watcher designated under Subsection (3).

(c) An administering election officer may provide a watcher a badge that identifies the watcher and require the watcher to wear the badge while acting as a watcher.

Amended by Chapter 18, 2022 General Session

Amended by Chapter 380, 2022 General Session