

Senator Curtis S. Bramble proposes the following substitute bill:

ELECTION LAW REVISIONS

2002 THIRD SPECIAL SESSION

STATE OF UTAH

Sponsor: Curtis S. Bramble

L. Steven Poulton

John L. Valentine

Peter C. Knudson

This act modifies the Election Code to create an additional primary date of August 27, 2002 contingent upon Utah receiving a fourth Congressional seat. This act makes conforming changes throughout the Election Code to accomplish that change. This act modifies definitions, modifies requirements for filling candidate vacancies, extends the date for allowing unaffiliated voters to affiliate at the polls, makes an exception to the prohibition against filing for more than one office in an election year, and modifies voter information pamphlet distribution dates. This act repeals sections unique to the 2002 election cycle on January 1, 2003. This act makes an appropriation of \$600,000 to pay for a second primary if one is needed. This act takes effect May 7, 2002, if passed by a two-thirds vote.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-1-102, as last amended by Chapter 177, Laws of Utah 2002

20A-2-107.1, as enacted by Chapter 328, Laws of Utah 2000

20A-3-104.5, as enacted by Chapter 328, Laws of Utah 2000

20A-9-403, as last amended by Chapters 75 and 328, Laws of Utah 2000

63-55b-120, as last amended by Chapter 136, Laws of Utah 2002

ENACTS:

20A-1-201.6, Utah Code Annotated 1953

20A-1-501.1, Utah Code Annotated 1953

20A-1-801, Utah Code Annotated 1953



26 **20A-7-702.1**, Utah Code Annotated 1953

27 **20A-9-201.1**, Utah Code Annotated 1953

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

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

30 **20A-1-102. Definitions.**

31 As used in this title:

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

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

36 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his
37 votes and includes ballot cards, paper ballots, and secrecy envelopes.

38 (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

39 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain
40 the names of offices and candidates and statements of ballot propositions to be voted on and which
41 are used in conjunction with ballot cards.

42 (6) "Ballot proposition" means opinion questions specifically authorized by the
43 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that
44 are submitted to the voters for their approval or rejection.

45 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
46 20A-4-306 to canvass election returns.

47 (8) "Bond election" means an election held for the sole purpose of approving or rejecting
48 the proposed issuance of bonds by a government entity.

49 (9) "Book voter registration form" means voter registration forms contained in a bound
50 book that are used by election officers and registration agents to register persons to vote.

51 (10) "By-mail voter registration form" means a voter registration form designed to be
52 completed by the voter and mailed to the election officer.

53 (11) "Canvass" means the review of election returns and the official declaration of election
54 results by the board of canvassers.

55 (12) "Canvassing judge" means an election judge designated to assist in counting ballots
56 at the canvass.

57 (13) "Convention" means the political party convention at which party officers and
58 delegates are selected.

59 (14) "Counting center" means one or more locations selected by the election officer in
60 charge of the election for the automatic counting of ballots.

61 (15) "Counting judge" means a judge designated to count the ballots during election day.

62 (16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201
63 to witness the counting of ballots.

64 (17) "Counting room" means a suitable and convenient private place or room, immediately
65 adjoining the place where the election is being held, for use by the counting judges to count ballots
66 during election day.

67 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

68 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

69 (20) "County officers" means those county officers that are required by law to be elected.

70 (21) "Election" means a regular general election, a municipal general election, a statewide
71 special election, a local special election, a regular primary election, a municipal primary election,
72 and a special district election.

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

75 (23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

76 (24) "Election officer" means:

77 (a) the lieutenant governor, for all statewide ballots;

78 (b) the county clerk or clerks for all county ballots and for certain special district and
79 school district ballots as provided in Section 20A-5-400.5;

80 (c) the municipal clerk for all municipal ballots and for certain special district and school
81 district ballots as provided in Section 20A-5-400.5; and

82 (d) the special district clerk or chief executive officer for all special district ballots that are
83 not part of a statewide, county, or municipal ballot.

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

85 (26) "Election returns" includes the pollbook, all affidavits of registration, the military and
86 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed
87 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the

88 ballot disposition form, and the total votes cast form.

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

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

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

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

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

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

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

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

105 (35) "Municipal executive" means:

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

108 (b) the mayor in the council-mayor optional form of government defined in Section
109 10-3-1209; and

110 (c) the manager in the council-manager optional form of government defined in Section
111 10-3-1209.

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

115 (37) "Municipal legislative body" means:

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

118 (b) the municipal council in the council-mayor optional form of government defined in

119 Section 10-3-1209; and

120 (c) the municipal council in the council-manager optional form of government defined in
121 Section 10-3-1209.

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

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

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

128 (41) "Official endorsement" means:

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

130 (i) the ballot as an official ballot;

131 (ii) the date of the election; and

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

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

134 (i) the election judge's initials; and

135 (ii) the ballot number.

136 (42) "Official register" means the book furnished election officials by the election officer
137 that contains the information required by Section 20A-5-401.

138 (43) "Paper ballot" means a paper that contains:

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

141 (b) spaces for the voter to record his vote for each office and for or against each ballot
142 proposition.

143 (44) "Political party" means an organization of registered voters that has qualified to
144 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
145 Formation and Procedures.

146 (45) "Polling place" means the building where residents of a voting precinct vote.

147 (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in
148 which the voter marks his choice.

149 (47) "Posting list" means a list of registered voters within a voting precinct.

150 (48) "Provisional ballot" means a ballot voted provisionally by a person:

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

152 (b) whose legal right to vote is challenged as provided in this title.

153 (49) "Provisional ballot envelope" means an envelope printed in the form required by

154 Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify
155 a person's legal right to vote.

156 (50) "Primary convention" means the political party conventions at which nominees for
157 the regular primary election are selected.

158 (51) "Protective counter" means a separate counter, which cannot be reset, that is built into
159 a voting machine and records the total number of movements of the operating lever.

160 (52) "Qualify" or "qualified" means to take the oath of office and begin performing the
161 duties of the position for which the person was elected.

162 (53) "Receiving judge" means the election judge that checks the voter's name in the official
163 register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter
164 has voted.

165 (54) "Registration days" means the days designated in Section 20A-2-203 when a voter
166 may register to vote with a satellite registrar.

167 (55) "Registration form" means a book voter registration form and a by-mail voter
168 registration form.

169 (56) "Regular ballot" means a ballot that is not a provisional ballot.

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

173 (58) (a) Except as provided in Subsection (58)(b), "Regular primary election" means the
174 election on the fourth Tuesday of June of each even-numbered year, at which candidates of
175 political parties and nonpolitical groups are voted for nomination.

176 (b) For 2002 only, "regular primary election" means:

177 (i) the election on the fourth Tuesday of June at which candidates of political parties and
178 nonpolitical groups are voted for nomination; and

179 (ii) the contingent primary election on August 27, 2002 at which candidates of political
180 parties for the United States House of Representatives are voted for nomination.

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

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

184 (61) "Satellite registrar" means a person appointed under Section 20A-5-201 to register
185 voters and perform other duties.

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

188 (63) "Secrecy envelope" means the envelope given to a voter along with the ballot into
189 which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's
190 vote.

191 (64) "Special district" means those local government entities created under the authority
192 of Title 17A.

193 (65) "Special district officers" means those special district officers that are required by law
194 to be elected.

195 (66) "Special election" means an election held as authorized by Section 20A-1-204.

196 (67) "Spoiled ballot" means each ballot that:

197 (a) is spoiled by the voter;

198 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

199 (c) lacks the official endorsement.

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

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

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

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

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

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

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

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

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

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

221 (78) "Voting device" means:

222 (a) an apparatus in which ballot cards are used in connection with a punch device for
223 piercing the ballots by the voter;

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

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

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

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

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

233 (82) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting
234 poll watcher.

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

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

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

240 Section 2. Section **20A-1-201.6** is enacted to read:

241 **20A-1-201.6. 2002 Primary election dates.**

242 **Notwithstanding Section 20A-1-201.5, for 2002 only:**

243 (1) Except as provided in Subsection (2), a regular primary election shall be held
244 throughout the state on June 25, 2002 as provided in Title 20A, Chapter 9, Part 4, Primary
245 Elections, to nominate persons for national, state, school board, and county offices.

246 (2) If, as a result of the United States Supreme Court's opinion in State of Utah v. Evans,
247 Utah obtains a fourth Congressional seat, the regular primary election to select party nominees to
248 serve in the United States House of Representatives shall be held on August 27, 2002 as provided
249 in Section 20A-9-403.

250 Section 3. Section **20A-1-501.1** is enacted to read:

251 **20A-1-501.1. Candidate vacancies -- Procedure for filling -- 2002 election only.**

252 Notwithstanding Section 20A-1-501, for 2002 only:

253 (1) A political party may certify the name of another candidate to the appropriate election
254 officer if the candidate vacancy is created because the candidate who created the vacancy resigned
255 to file a declaration of candidacy for the United States House of Representatives.

256 (2) Each replacement candidate shall file a declaration of candidacy as required by Title
257 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

258 Section 4. Section **20A-1-801** is enacted to read:

259 **Part 8. Provisions Governing the 2002 Primary Election**

260 **20A-1-801. Requirements for 2002 primary election.**

261 (1) (a) Notwithstanding Section 20A-5-101, for 2002 only, if, as a result of the United
262 States Supreme Court's opinion in State of Utah v. Evans, Utah obtains a fourth Congressional
263 seat, the lieutenant governor shall, no later than July 5 publish a notice once in a newspaper of
264 general circulation in Utah.

265 (b) The notice required by Subsection (1)(a) shall identify the dates for filing a declaration
266 of candidacy for the four Congressional seats.

267 (2) Notwithstanding Section 20A-9-202, for 2002 only, if, as a result of the United States
268 Supreme Court's opinion in State of Utah v. Evans, Utah obtains a fourth Congressional seat, each
269 person seeking to become a candidate for Congress shall:

270 (a) file a declaration of candidacy in person with the lieutenant governor between July 8
271 and before 5 p.m. on July 11, 2002; and

272 (b) pay the filing fee.

273 (3) Notwithstanding Subsection 20A-9-403(2)(b), for 2002 only, as a condition for using

274 the state's election system, each registered political party that wishes to participate in the August
275 27, 2002 primary election shall:

276 (a) certify the name and office of all of the registered political party's candidates to the
277 lieutenant governor no later than 5 p.m. on July 16, 2002; and

278 (b) certify the name and office of each of its county candidates to the county clerks by 5
279 p.m. on July 16, 2002.

280 (4) Notwithstanding Subsection 20A-9-403 (2)(d)(i), for 2002 only, if a registered political
281 party does not wish to participate in the August 27 primary election, it shall submit the names of
282 its county candidates to the county clerks and the names of all of its candidates to the lieutenant
283 governor by 5 p.m. on July 16, 2002.

284 (5) Notwithstanding Subsection 20A-9-403(2)(c), for 2002 only, if, as a result of the
285 United States Supreme Court's opinion in State of Utah v. Evans, Utah obtains a fourth
286 Congressional seat, the lieutenant governor shall, by 5 p.m. on July 17, 2002, send the county
287 clerks a certified list of the names of all statewide or multicounty candidates that must be printed
288 on the primary ballot.

289 (6) Notwithstanding Subsection 20A-4-301(1)(b)(i), for 2002 only, if an August 27 regular
290 primary election was held, the board of county canvassers shall meet to canvass the returns at the
291 usual place of meeting of the county legislative body at noon on August 30, 2002.

292 (7) Notwithstanding Subsection 20A-4-401(1)(a), for 2002 only, if an August 27 regular
293 primary election was held, when any candidate in the August 27, 2002 regular primary election
294 loses by not more than a total of one vote per voting precinct, the candidate may file a request for
295 a recount no later than September 3, 2002 with the lieutenant governor.

296 (8) Notwithstanding Subsection 20A-4-306(5), for 2002 only, if an August 27 regular
297 primary election was held, the lieutenant governor shall, at noon on September 9, 2002:

298 (a) canvass the returns for all multicounty candidates required to file with the office of the
299 lieutenant governor; and

300 (b) publish and file the results of the canvass in the lieutenant governor's office.

301 (9) Notwithstanding Sections 20A-5-409 and 20A-9-701, for 2002 only, if an August 27
302 regular primary election was held, the lieutenant governor shall, by September 11, 2002, certify
303 to each county clerk the name of each candidate qualified to be printed on the regular general
304 election ballot for that county clerk's county.

305 Section 5. Section **20A-2-107.1** is amended to read:

306 **20A-2-107.1. Designating or changing party affiliation -- June 2002 primary.**

307 (1) At [~~the~~] each primary election held [~~June 24,~~] in 2002:

308 (a) each county clerk shall provide change of party affiliation forms to the election judges
309 for each voting precinct within the county; and

310 (b) any registered voter who is classified as "unaffiliated" may affiliate with a political
311 party by completing the form and giving it to the election judge.

312 (2) An unaffiliated voter who affiliates with a political party as provided in Subsection
313 (1)(b) may vote in that party's primary election [~~on June 24, 2002~~].

314 (3) This section is repealed [~~July~~] January 1, [~~2002~~] 2003.

315 Section 6. Section **20A-3-104.5** is amended to read:

316 **20A-3-104.5. Voting -- Regular primary election.**

317 (1) (a) Any registered voter desiring to vote at the regular primary election shall give his
318 name, the name of the registered political party whose ballot the voter wishes to vote, and, if
319 requested, his residence, to one of the election judges.

320 (b) If an election judge does not know the person requesting a ballot and has reason to
321 doubt that person's identity, the judge shall request identification or have the voter identified by
322 a known registered voter of the district.

323 (c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a
324 ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

325 (2) (a) (i) When the voter is properly identified, the election judge in charge of the official
326 register shall check the official register to determine:

327 (A) whether or not the person is registered to vote; and

328 (B) whether or not the person's party affiliation designation in the official register allows
329 the voter to vote the ballot that the voter requested.

330 (ii) If the official register does not affirmatively identify the voter as being affiliated with
331 a registered political party or if the official register identifies the voter as being "unaffiliated," the
332 voter shall be considered to be "unaffiliated."

333 (b) (i) If the voter's name is not found on the official register and, if it is not unduly
334 disruptive of the election process, the election judge shall attempt to contact the county clerk's
335 office to request oral verification of the voter's registration.

336 (ii) If oral verification is received from the county clerk's office, the judge shall record the
337 verification on the official register, determine the voter's party affiliation and the ballot that the
338 voter is qualified to vote, and perform the other administrative steps required by Subsection (3).

339 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation
340 listed in the official register does not allow the voter to vote the ballot that the voter requested, the
341 election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that
342 the voter's party affiliation does allow the voter to vote.

343 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register
344 does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered
345 political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the
346 voter requests, the election judge shall ask the voter if the voter wishes to vote another registered
347 political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."

348 (B) If the voter wishes to vote another registered political party ballot that the unaffiliated
349 voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

350 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that
351 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter
352 may not vote.

353 (iii) For the primary election held [~~June 24,~~] in 2002, only:

354 (A) if the voter is listed in the official register as "unaffiliated," or if the official register
355 does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a registered
356 political party, the election judge shall ask the voter if the voter wishes to affiliate with a registered
357 political party, or remain "unaffiliated."

358 (B) If the voter wishes to affiliate with the registered political party whose ballot the voter
359 requested, the election judge shall direct the voter to complete the change of party affiliation form
360 and proceed as required by Subsection (3).

361 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered political
362 party ballot that the unaffiliated voter is authorized to vote, the election judge shall proceed as
363 required by Subsection (3).

364 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that
365 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter
366 may not vote.

- 367 (3) If the election judge determines that the voter is registered and eligible, under
368 Subsection (2), to vote the ballot that the voter requested:
- 369 (a) the election judge in charge of the official register shall:
- 370 (i) write the ballot number and the name of the registered political party whose ballot the
371 voter voted opposite the name of the voter in the official register; and
- 372 (ii) direct the voter to sign his name in the election column in the official register;
- 373 (b) another judge shall list the ballot number and voter's name in the pollbook; and
- 374 (c) the election judge having charge of the ballots shall:
- 375 (i) endorse his initials on the stub;
- 376 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 377 (iii) hand the voter the ballot for the registered political party that the voter requested and
378 for which the voter is authorized to vote; and
- 379 (iv) allow the voter to enter the voting booth.
- 380 (4) Whenever the election officer is required to furnish more than one kind of official
381 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
382 voter the kind of ballot that the voter is qualified to vote.

383 Section 7. Section **20A-7-702.1** is enacted to read:

384 **20A-7-702.1. Voter information pamphlet -- Form -- Contents -- Distribution -- 2002**
385 **only.**

386 Notwithstanding Subsection 20A-7-702(3), for 2002 only, the lieutenant governor shall:

387 (1) ensure that one copy of the voter information pamphlet is placed in one issue of every
388 newspaper of general circulation in the state not more than 40 nor less than five days before the
389 day fixed by law for the election;

390 (2) ensure that a sufficient number of printed voter information pamphlets are available
391 for distribution as required by this section;

392 (3) provide voter information pamphlets to each county clerk for free distribution upon
393 request and for placement at polling places; and

394 (4) ensure that the distribution of the voter information pamphlets is completed five days
395 before the election.

396 Section 8. Section **20A-9-201.1** is enacted to read:

397 **20A-9-201.1. Candidates for more than one office -- 2002 exception.**

398 Notwithstanding Subsection 20A-9-201(2), for 2002 only:

399 (1) A person who has filed a declaration of candidacy to be a candidate for an office other
400 than United States House of Representatives may, if a statute provides an additional period for
401 filing a declaration of candidacy for United States House of Representatives:

402 (a) resign as a candidate for that other office; and

403 (b) file a declaration of candidacy for the United States House of Representatives.

404 (2) A person who has filed a declaration of candidacy to be a candidate for the United
405 States House of Representatives may file a new declaration of candidacy to be a candidate for the
406 United States House of Representatives in any congressional district, if a statute provides an
407 additional period for filing a declaration of candidacy for United States House of Representatives.

408 Section 9. Section **20A-9-403** is amended to read:

409 **20A-9-403. Regular primary elections.**

410 (1) (a) [~~The~~] (i) Except as provided in Subsection (1)(a)(ii), the fourth Tuesday of June of
411 each even-numbered year is designated as regular primary election day.

412 (ii) For 2002 only, the regular primary election date is the date established by the
413 Legislature in Section 20A-1-201.6.

414 (b) Each registered political party that chooses to use the primary election process to
415 nominate some or all of its candidates shall comply with the requirements of this section.

416 (2) (a) As a condition for using the state's election system, each registered political party
417 that wishes to participate in the primary election shall:

418 (i) declare their intent to participate in the primary election;

419 (ii) identify one or more registered political parties whose members may vote for the
420 registered political party's candidates and whether or not persons identified as unaffiliated with a
421 political party may vote for the registered political party's candidates; and

422 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of
423 each even-numbered year.

424 (b) As a condition for using the state's election system, each registered political party that
425 wishes to participate in the primary election shall:

426 (i) certify the name and office of all of the registered political party's candidates to the
427 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

428 (ii) certify the name and office of each of its county candidates to the county clerks by 5

429 p.m. on May 13 of each even-numbered year.

430 (c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall send
431 the county clerks a certified list of the names of all statewide or multicounty candidates that must
432 be printed on the primary ballot.

433 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does not
434 wish to participate in the primary election, it shall submit the names of its county candidates to the
435 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May
436 30 of each even-numbered year.

437 (ii) A registered political party's candidates for President and Vice-President of the United
438 States shall be certified to the lieutenant governor as provided in Subsection 20A-9-202(4).

439 (e) Each political party shall certify the names of its presidential and vice-presidential
440 candidates and presidential electors to the lieutenant governor's office by August 30 of each
441 presidential election year.

442 (3) The county clerk shall:

443 (a) review the declarations of candidacy filed by candidates for local boards of education
444 to determine if more than two candidates have filed for the same seat;

445 (b) place the names of all candidates who have filed a declaration of candidacy for a local
446 board of education seat on the nonpartisan section of the ballot if more than two candidates have
447 filed for the same seat; and

448 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

449 (4) After the county clerk receives the certified list from a registered political party, the
450 county clerk shall post or publish a primary election notice in substantially the following form:

451 "Notice is given that a primary election will be held Tuesday, [~~June~~] _____[;] (month)
452 _____ (day), _____ (year), to nominate party candidates for the parties and nonpartisan offices
453 listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will
454 open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

455 (5) (a) Candidates receiving the highest number of votes cast for each office at the regular
456 primary election are nominated by their party or nonpartisan group for that office.

457 (b) If two or more candidates are to be elected to the office at the regular general election,
458 those party candidates equal in number to positions to be filled who receive the highest number
459 of votes at the regular primary election are the nominees of their party for those positions.

460 (6) (a) When a tie vote occurs in any primary election for any national, state, or other office
461 that represents more than one county, the governor, lieutenant governor, and attorney general shall,
462 at a public meeting called by the governor and in the presence of the candidates involved, select
463 the nominee by lot cast in whatever manner the governor determines.

464 (b) When a tie vote occurs in any primary election for any county office, the district court
465 judges of the district in which the county is located shall, at a public meeting called by the judges
466 and in the presence of the candidates involved, select the nominee by lot cast in whatever manner
467 the judges determine.

468 (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary
469 election provided for by this section, and all expenses necessarily incurred in the preparation for
470 or the conduct of that primary election shall be paid out of the treasury of the county or state, in
471 the same manner as for the regular general elections.

472 Section 10. Section **63-55b-120** is amended to read:

473 **63-55b-120. Repeal dates, Title 20A.**

474 (1) Section 20A-1-205 is repealed January 1, 2003.

475 (2) Section 20A-2-107.1 is repealed [~~July~~] January 1, [2002] 2003.

476 (3) Section 20A-1-201.6 is repealed January 1, 2003.

477 (4) Section 20A-1-501.1 is repealed January 1, 2003.

478 (5) Title 20A, Chapter 1, Part 8, Provisions Governing the 2002 Primary Election, is
479 repealed January 1, 2003.

480 (6) Section 20A-7-702.1 is repealed January 1, 2003.

481 (7) Section 20A-9-201.1 is repealed January 1, 2003.

482 Section 11. **Appropriation.**

483 If the primary election date for Congressional races is postponed until after June 25, 2002,
484 there is appropriated \$600,000 from the General Fund for fiscal year 2002-2003 to the lieutenant
485 governor to be used to pay for the second primary election.

486 Section 12. **Effective date.**

487 If approved by two-thirds of all the members elected to each house, this act takes effect on
488 May 7, 2002.