

28 ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 **AMENDS:**

35 **20A-1-401**, as last amended by Laws of Utah 1993, Chapter 228

36 **20A-2-102.5**, as last amended by Laws of Utah 2007, Chapter 285

37 **20A-2-201**, as last amended by Laws of Utah 2007, Chapter 285

38 **20A-3-404**, as last amended by Laws of Utah 2006, Chapter 264

39 **20A-4-101**, as last amended by Laws of Utah 2007, Chapter 75

40 **20A-4-306**, as last amended by Laws of Utah 2007, Chapter 75

41 **20A-5-409**, as last amended by Laws of Utah 2003, Chapter 77

42 **20A-6-301**, as last amended by Laws of Utah 2006, Chapter 326

43 **20A-6-303**, as last amended by Laws of Utah 2007, Chapter 198

44 **20A-6-304**, as last amended by Laws of Utah 2007, Chapter 198

45 **20A-7-103**, as last amended by Laws of Utah 2007, Chapter 238

46 **20A-7-209**, as last amended by Laws of Utah 2005, Chapter 236

47 **20A-7-503**, as last amended by Laws of Utah 2007, Chapter 78

48 **20A-7-701**, as last amended by Laws of Utah 1997, Chapter 215

49 **20A-7-702**, as last amended by Laws of Utah 2005, Chapter 236

50 **20A-7-703**, as enacted by Laws of Utah 1995, Chapter 1 and last amended by Laws of
51 Utah 1995, Chapter 153

52 **20A-7-705**, as last amended by Laws of Utah 1999, Chapter 116

53 **20A-7-706**, as last amended by Laws of Utah 2001, Chapter 65

54 **20A-9-201**, as last amended by Laws of Utah 2007, Chapters 83, and 97

55 **20A-9-202**, as last amended by Laws of Utah 2005, Chapter 71

56 **20A-9-203**, as last amended by Laws of Utah 2007, Chapters 83, 97, and 256

57 **20A-9-403**, as last amended by Laws of Utah 2006, Chapter 16

58 **20A-9-601**, as last amended by Laws of Utah 2006, Chapter 264

- 59 **20A-9-701**, as last amended by Laws of Utah 2007, Chapters 97, and 238
- 60 **20A-9-802**, as last amended by Laws of Utah 2006, Chapter 355
- 61 **20A-9-803**, as last amended by Laws of Utah 2007, Chapter 97
- 62 **20A-11-302**, as last amended by Laws of Utah 1997, Chapter 355
- 63 **20A-11-506**, as last amended by Laws of Utah 1997, Chapter 355
- 64 **20A-11-601**, as last amended by Laws of Utah 2006, Chapter 226
- 65 **20A-11-801**, as last amended by Laws of Utah 2006, Chapter 226
- 66 **20A-11-1202**, as last amended by Laws of Utah 2007, Chapter 329
- 67 **20A-11-1203**, as enacted by Laws of Utah 1995, Chapter 158
- 68 **20A-11-1302**, as enacted by Laws of Utah 1997, Chapter 355
- 69 **20A-12-201**, as last amended by Laws of Utah 2001, Chapter 308

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

72 Section 1. Section **20A-1-401** is amended to read:

73 **20A-1-401. Interpretation of election laws -- Computation of time.**

74 (1) Courts and election officers shall construe the provisions of Title 20A, Election
75 Code, liberally to carry out the intent of this title.

76 (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be
77 included in all computations of [time] days made under the provisions of Title 20A, Election
78 Code.

79 (3) Unless otherwise specifically provided for under this Title 20A:

80 (a) when computing any number of days before or after a specified date or event under
81 this Title 20A, the specified date or day of the event shall not be included in the count; and

82 (b) (i) if the commencement date of a time period preceding a specified date or event
83 falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;

84 (ii) if the last day of a time period following a specified date or event falls on a
85 Saturday, Sunday, or legal holiday, the time period shall be extended to the following business
86 day; and

87 (iii) if a deadline that falls before or after a specified date or event falls on a Saturday,
88 Sunday, or legal holiday, the deadline shall be considered to fall on the following business day.

89 Section 2. Section **20A-2-102.5** is amended to read:

90 **20A-2-102.5. Voter registration deadline.**

91 (1) Except as provided in Section 20A-2-201 and in Title 20A, Chapter 3, Part 4,
92 Voting by Members of the Military and by Other Persons Living or Serving Abroad, a person
93 who fails to submit a correctly completed voter registration form on or before the voter
94 registration deadline shall not be permitted to vote in the election.

95 (2) The voter registration deadline shall be the date that is 30 calendar days before the
96 date of the election.

97 ~~[(3) If the voter registration deadline established in Subsection (2) falls on a weekend~~
98 ~~or holiday, it shall be extended to the next regular business day.]~~

99 Section 3. Section **20A-2-201** is amended to read:

100 **20A-2-201. Registering to vote at office of county clerk.**

101 (1) Except as provided in Subsection (3), the county clerk shall register to vote all
102 persons who present themselves for registration at the county clerk's office during designated
103 office hours if those persons, on voting day, will be legally qualified and entitled to vote in a
104 voting precinct in the county.

105 (2) If a registration form is submitted in person at the office of the county clerk during
106 the period beginning on the date after the voter registration deadline and ending on the date that
107 is 15 calendar days before the date of the election, the county clerk shall:

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

111 (b) inform them that:

112 (i) they will be registered to vote in the pending election; and

113 (ii) for the pending election, they must vote on the day of the election and will not be
114 eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they
115 registered too late.

116 (3) ~~[Except as provided in Subsection (3), if]~~ If a registration form is submitted to the
117 county clerk on the date of the election or during the 14 calendar days before an election, the
118 county clerk shall:

119 (a) accept registration forms from all persons who present themselves for registration at
120 the clerk's office during designated office hours if those persons, on voting day, will be legally

121 qualified and entitled to vote in a voting precinct in the county; and

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

124 Section 4. Section **20A-3-404** is amended to read:

125 **20A-3-404. Special military write-in absentee ballots.**

126 (1) [(a)] Notwithstanding any other provisions of this chapter, a military voter may
127 apply for a special write-in absentee ballot not later than the date 20 days before the date of an
128 election.

129 ~~[(b) If the application deadline falls on a weekend or holiday, it shall be extended to the~~
130 ~~next regular business day.]~~

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

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

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

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

138 Section 5. Section **20A-4-101** is amended to read:

139 **20A-4-101. Counting paper ballots during election day.**

140 (1) Each county legislative body or municipal legislative body that has voting precincts
141 that use paper ballots and each poll worker in those voting precincts shall comply with the
142 requirements of this section.

143 (2) (a) Each county legislative body or municipal legislative body shall provide:

144 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
145 judges have been appointed; and

146 (ii) a counting room for the use of the poll workers counting the ballots during the day.

147 (b) At any election in any voting precinct in which both receiving and counting judges
148 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

149 (i) close the first ballot box and deliver it to the counting judges; and

150 (ii) prepare and use another ballot box to receive voted ballots.

151 (c) Upon receipt of the ballot box, the counting judges shall:

- 152 (i) take the ballot box to the counting room;
- 153 (ii) count the votes on the regular ballots in the ballot box;
- 154 (iii) place the provisional ballot envelopes in the envelope or container provided for
155 them for return to the election officer; and
- 156 (iv) when they have finished counting the votes in the ballot box, return the emptied
157 box to the receiving judges.

158 (d) (i) During the course of election day, whenever there are at least 20 ballots
159 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
160 judges for counting; and

161 (ii) the counting judges shall immediately count the regular ballots and segregate the
162 provisional ballots contained in that box.

163 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
164 until the polls close.

165 (3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe
166 the count.

167 (4) The counting judges shall apply the standards and requirements of Section
168 [~~20A-4-104~~] 20A-4-105 to resolve any questions that arise as they count the ballots.

169 Section 6. Section **20A-4-306** is amended to read:

170 **20A-4-306. Statewide canvass.**

171 (1) (a) The state board of canvassers shall convene:

- 172 (i) on the fourth Monday of November, at noon; or
- 173 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
174 returns of a statewide special election.

175 (b) The state auditor, the state treasurer, and the attorney general are the state board of
176 canvassers.

177 (c) Attendance of all members of the state board of canvassers shall be required to
178 constitute a quorum for conducting the canvass.

179 (2) (a) The state board of canvassers shall:

- 180 (i) meet in the lieutenant governor's office; and
- 181 (ii) compute and determine the vote for officers and for and against any ballot
182 propositions voted upon by the voters of the entire state or of two or more counties.

- 183 (b) The lieutenant governor, as secretary of the board shall file a report in his office
184 that details:
- 185 (i) for each statewide officer and ballot proposition:
- 186 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- 187 (B) the candidates for each statewide office whose names appeared on the ballot, plus
188 any recorded write-in candidates;
- 189 (C) the number of votes from each county cast for each candidate and for and against
190 each ballot proposition;
- 191 (D) the total number of votes cast statewide for each candidate and for and against each
192 ballot proposition; and
- 193 (E) the total number of votes cast statewide; and
- 194 (ii) for each officer or ballot proposition voted on in two or more counties:
- 195 (A) the name of each of those offices and ballot propositions that appeared on the
196 ballot;
- 197 (B) the candidates for those offices, plus any recorded write-in candidates;
- 198 (C) the number of votes from each county cast for each candidate and for and against
199 each ballot proposition; and
- 200 (D) the total number of votes cast for each candidate and for and against each ballot
201 proposition.
- 202 (c) The lieutenant governor shall:
- 203 (i) prepare certificates of election for:
- 204 (A) each successful candidate; and
- 205 (B) each of the presidential electors of the candidate for president who received a
206 majority of the votes;
- 207 (ii) authenticate each certificate with his seal; and
- 208 (iii) deliver a certificate of election to:
- 209 (A) each candidate who had the highest number of votes for each office; and
- 210 (B) each of the presidential electors of the candidate for president who received a
211 majority of the votes.
- 212 (3) If the lieutenant governor has not received election returns from all counties on the
213 fifth day before the day designated for the meeting of the state board of canvassers, the

214 lieutenant governor shall:

215 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
216 county;

217 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
218 required by Section 20A-4-304 from the clerk; and

219 (c) pay the messenger the per diem provided by law as compensation.

220 (4) The state board of canvassers may not withhold the declaration of the result or any
221 certificate of election because of any defect or informality in the returns of any election if the
222 board can determine from the returns, with reasonable certainty, what office is intended and
223 who is elected to it.

224 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
225 governor shall:

226 (i) canvass the returns for all multicounty candidates required to file with the office of
227 the lieutenant governor; and

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

229 (b) The lieutenant governor shall certify the results of the primary canvass to the
230 county clerks not later than the August 1 after the primary election.

231 (6) (a) At noon on the Tuesday that falls two weeks after the Western States
232 Presidential Primary election, the lieutenant governor shall:

233 (i) canvass the returns; and

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

235 (b) The lieutenant governor shall certify the results of the Western States Presidential
236 Primary canvass to each registered political party that participated in the primary not later than
237 the April 15 after the primary election[, or the following business day if April 15 falls on a
238 Saturday, Sunday, or a holiday].

239 Section 7. Section **20A-5-409** is amended to read:

240 **20A-5-409. Certification of candidates to county clerks.**

241 [By] No later than September [3] 8 of each regular general election year, the lieutenant
242 governor shall certify to each county clerk the name of each candidate qualified to be printed
243 on the regular general election ballot for that county clerk's county.

244 Section 8. Section **20A-6-301** is amended to read:

245 **20A-6-301. Paper ballots -- Regular general election.**

246 (1) Each election officer shall ensure that:

247 (a) all paper ballots furnished for use at the regular general election contain no captions
248 or other endorsements except as provided in this section;249 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
250 top of the ballot, and divided from the rest of ballot by a perforated line;251 (ii) the ballot number and the words " Poll Worker's Initial ____ " are printed on the
252 stub; and

253 (iii) ballot stubs are numbered consecutively;

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

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

257 (ii) the date of the election; and

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

259 (d) each ticket is placed in a separate column on the ballot in the order determined by
260 the election officer with the party emblem, followed by the party name, at the head of the
261 column;

262 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

263 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,
264 and the top of the circle is placed not less than two inches below the perforated line;265 (g) unaffiliated candidates and candidates not affiliated with a registered political party
266 are listed in one column, without a party circle, with the following instructions printed at the
267 head of the column: "All candidates not affiliated with a political party are listed below. They
268 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
269 for each office.";270 (h) the columns containing the lists of candidates, including the party name and device,
271 are separated by heavy parallel lines;272 (i) the offices to be filled are plainly printed immediately above the names of the
273 candidates for those offices;274 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
275 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of

276 an inch apart;

277 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the
278 right of the name of each candidate;

279 (l) for the offices of president and vice president and governor and lieutenant governor,
280 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a
281 double bracket enclosing the right side of the names of the two candidates;

282 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a
283 write-in column long enough to contain as many written names of candidates as there are
284 persons to be elected with:

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

287 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
288 square with sides measuring not less than 1/4 of an inch in length printed at the right of the
289 blank horizontal line; or

290 (B) for the offices of president and vice president and governor and lieutenant
291 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
292 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
293 length printed opposite a double bracket enclosing the right side of the two blank horizontal
294 lines; and

295 (ii) the words "Write-In Voting Column" printed at the head of the column without a
296 1/2 inch circle;

297 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the
298 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point
299 solid rule running vertically the full length of the nonpartisan ballot copy; and

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

302 (2) Each election officer shall ensure that:

303 (a) each person nominated by any political party or group of petitioners is placed on the
304 ballot:

305 (i) under the party name and emblem, if any; or

306 (ii) under the title of the party or group as designated by them in their certificates of

307 nomination or petition, or, if none is designated, then under some suitable title;

308 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,

309 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

310 (c) the names of the candidates for president and vice president are used on the ballot

311 instead of the names of the presidential electors; and

312 (d) the ballots contain no other names.

313 (3) When the ballot contains a nonpartisan section, the election officer shall ensure

314 that:

315 (a) the designation of the office to be filled in the election and the number of

316 candidates to be elected are printed in type not smaller than eight-point;

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

318 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of

319 the column;

320 (d) the nonpartisan candidates are grouped according to the office for which they are

321 candidates;

322 (e) the names in each group are placed in alphabetical order with the surnames last,

323 except for candidates for the State Board of Education and local school boards;

324 (f) the names of candidates for the State Board of Education are placed on the ballot as

325 certified by the lieutenant governor under Section 20A-14-105;

326 (g) if candidates for membership on a local board of education were selected in a

327 primary election, the name of the candidate who received the most votes in the primary election

328 is listed first on the ballot;

329 (h) if candidates for membership on a local board of education were not selected in the

330 primary election, the names of the candidates are listed on the ballot in the order determined by

331 a lottery conducted by the county clerk; and

332 (i) each group is preceded by the designation of the office for which the candidates

333 seek election, and the words, "Vote for one" or "Vote for two or more," according to the

334 number to be elected.

335 (4) Each election officer shall ensure that:

336 (a) proposed amendments to the Utah Constitution are listed on the ballot under the

337 heading "Constitutional Amendment Number ___" with the number of the constitutional

338 amendment as assigned under Section 20A-7-103 placed in the blank;

339 (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot
340 under the heading "State Proposition Number ___" with the number of the state proposition as
341 assigned under Section 20A-7-103 placed in the blank;

342 (c) propositions submitted to the voters by a county are listed on the ballot under the
343 heading "County Proposition Number ___" with the number of the county proposition as
344 assigned by the county legislative body placed in the blank;

345 (d) propositions submitted to the voters by a school district are listed on the ballot
346 under the heading "School District Proposition Number ___" with the number of the school
347 district proposition as assigned by the county legislative body placed in the blank;

348 (e) state initiatives that have qualified for the ballot are listed on the ballot under the
349 heading "Citizen's State Initiative Number ___" with the number of the state initiative as
350 assigned by Section 20A-7-209 placed in the blank;

351 (f) county initiatives that have qualified for the ballot are listed on the ballot under the
352 heading "Citizen's County Initiative Number ___" with the number of the county initiative as
353 assigned under Section 20A-7-508 placed in the blank;

354 (g) state referenda that have qualified for the ballot are listed on the ballot under the
355 heading "Citizen's State Referendum Number ___" with the number of the state referendum as
356 assigned under [~~Sections 20A-7-209 and~~] Section 20A-7-308 placed in the blank;

357 (h) county referenda that have qualified for the ballot are listed on the ballot under the
358 heading "Citizen's County Referendum Number ___" with the number of the county referendum
359 as assigned under Section 20A-7-608 placed in the blank; and

360 (i) bond propositions that have qualified for the ballot are listed on the ballot under the
361 title assigned to each bond proposition under Section 11-14-206.

362 Section 9. Section **20A-6-303** is amended to read:

363 **20A-6-303. Regular general election -- Ballot sheets.**

364 (1) Each election officer shall ensure that:

365 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
366 approximately the same order as paper ballots;

367 (b) the titles of offices and the names of candidates are printed in vertical columns or in
368 a series of separate pages;

- 369 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
370 include, after the list of candidates:
- 371 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
372 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 373 (d) (i) a voting square or position is included where the voter may record a straight
374 party ticket vote for all the candidates of one party by one mark or punch; and
375 (ii) the name of each political party listed in the straight party selection area includes
376 the word "party" at the end of the party's name;
- 377 (e) the tickets are printed in the order determined by the county clerk;
- 378 (f) the office titles are printed above or at the side of the names of candidates so as to
379 indicate clearly the candidates for each office and the number to be elected;
- 380 (g) the party designation of each candidate is printed to the right or below the
381 candidate's name; and
- 382 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
383 page;
- 384 (ii) if all candidates for one office cannot be listed in one column or grouped on one
385 page:
- 386 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
387 candidates is continued on the following column or page; and
- 388 (B) approximately the same number of names shall be printed in each column or on
389 each page[; and].
- 390 [~~(i) arrows shall be used to indicate the place to vote for each candidate and on each~~
391 ~~measure.~~]
- 392 (2) Each election officer shall ensure that:
- 393 (a) proposed amendments to the Utah Constitution are listed under the heading
394 "Constitutional Amendment Number ___" with the number of the constitutional amendment as
395 assigned under Section 20A-7-103 placed in the blank;
- 396 (b) propositions submitted to the voters by the Utah Legislature are listed under the
397 heading "State Proposition Number ___" with the number of the state proposition as assigned
398 under Section 20A-7-103 placed in the blank;
- 399 (c) propositions submitted to the voters by a county are listed under the heading

400 "County Proposition Number ___" with the number of the county proposition as assigned by the
401 county legislative body placed in the blank;

402 (d) propositions submitted to the voters by a school district are listed under the heading
403 "School District Proposition Number ___" with the number of the school district proposition as
404 assigned by the county legislative body placed in the blank;

405 (e) state initiatives that have qualified for the ballot are listed under the heading
406 "Citizen's State Initiative Number ___" with the number of the state initiative as assigned under
407 Section 20A-7-209 placed in the blank;

408 (f) county initiatives that have qualified for the ballot are listed under the heading
409 "Citizen's County Initiative Number ___" with the number of the county initiative as assigned
410 under Section 20A-7-508 placed in the blank;

411 (g) state referenda that have qualified for the ballot are listed under the heading
412 "Citizen's State Referendum Number ___" with the number of the state referendum as assigned
413 under [~~Sections 20A-7-209 and~~] Section 20A-7-308 placed in the blank;

414 (h) county referenda that have qualified for the ballot are listed under the heading
415 "Citizen's County Referendum Number ___" with the number of the county referendum as
416 assigned under Section 20A-7-608 placed in the blank; and

417 (i) bond propositions that have qualified for the ballot are listed under the title assigned
418 to each bond proposition under Section 11-14-206.

419 Section 10. Section **20A-6-304** is amended to read:

420 **20A-6-304. Regular general election -- Electronic ballots.**

421 (1) Each election officer shall ensure that:

422 (a) the format and content of the electronic ballot is arranged in approximately the
423 same order as paper ballots;

424 (b) the titles of offices and the names of candidates are displayed in vertical columns or
425 in a series of separate display screens;

426 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

427 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

428 (ii) any ballot propositions submitted to the voters for their approval or rejection;

429 (d) (i) a voting square or position is included where the voter may record a straight
430 party ticket vote for all the candidates of one party by making a single selection; and

431 (ii) the name of each political party listed in the straight party selection area includes
432 the word "party" at the end of the party's name;

433 (e) the tickets are displayed in the order determined by the county clerk;

434 (f) the office titles are displayed above or at the side of the names of candidates so as to
435 indicate clearly the candidates for each office and the number to be elected;

436 (g) the party designation of each candidate is displayed adjacent to the candidate's
437 name; and

438 (h) if possible, all candidates for one office are grouped in one column or upon one
439 display screen.

440 (2) Each election officer shall ensure that:

441 (a) proposed amendments to the Utah Constitution are displayed under the heading
442 "Constitutional Amendment Number ___" with the number of the constitutional amendment as
443 assigned under Section 20A-7-103 placed in the blank;

444 (b) propositions submitted to the voters by the Utah Legislature are displayed under the
445 heading "State Proposition Number ___" with the number of the state proposition as assigned
446 under Section 20A-7-103 placed in the blank;

447 (c) propositions submitted to the voters by a county are displayed under the heading
448 "County Proposition Number ___" with the number of the county proposition as assigned by the
449 county legislative body placed in the blank;

450 (d) propositions submitted to the voters by a school district are displayed under the
451 heading "School District Proposition Number ___" with the number of the school district
452 proposition as assigned by the county legislative body placed in the blank;

453 (e) state initiatives that have qualified for the ballot are displayed under the heading
454 "Citizen's State Initiative Number ___" with the number of the state initiative as assigned under
455 Section 20A-7-209 placed in the blank;

456 (f) county initiatives that have qualified for the ballot are displayed under the heading
457 "Citizen's County Initiative Number ___" with the number of the county initiative as assigned
458 under Section 20A-7-508 placed in the blank;

459 (g) state referenda that have qualified for the ballot are displayed under the heading
460 "Citizen's State Referendum Number ___" with the number of the state referendum as assigned
461 under [~~Sections 20A-7-209 and~~] Section 20A-7-308 placed in the blank;

462 (h) county referenda that have qualified for the ballot are displayed under the heading
463 "Citizen's County Referendum Number ___" with the number of the county referendum as
464 assigned under Section 20A-7-608 placed in the blank; and

465 (i) bond propositions that have qualified for the ballot are displayed under the title
466 assigned to each bond proposition under Section 11-14-206.

467 Section 11. Section **20A-7-103** is amended to read:

468 **20A-7-103. Constitutional amendments and other questions -- Procedures for**
469 **submission to popular vote.**

470 (1) The procedures contained in this section govern when:

471 (a) the Legislature submits a proposed constitutional amendment or other question to
472 the voters; and

473 (b) an act of the Legislature is referred to the voters by referendum petition.

474 (2) In addition to the publication in the voter information pamphlet required by Section
475 20A-7-702, the lieutenant governor shall, not more than 60 days or less than ~~[ten]~~ 14 days
476 before the ~~[regular general]~~ date of the election, publish the full text of the amendment,
477 question, or statute in at least one newspaper in every county of the state where a newspaper is
478 published.

479 (3) The legislative general counsel shall:

480 (a) entitle each proposed constitutional amendment "Constitutional Amendment
481 Number ___" and give it a number;

482 (b) entitle each proposed question "State Proposition Number ___" and give it a number;

483 (c) entitle each state referendum that has qualified for the ballot "Citizen's State
484 Referendum Number ___" and give it a number;

485 (d) draft and designate a ballot title that summarizes the subject matter of the
486 amendment or question; and

487 (e) deliver ~~[them]~~ each number and title to the lieutenant governor.

488 (4) The lieutenant governor shall certify the number and ballot title of each amendment
489 or question to the county clerk of each county no later than ~~[September 1 of each regular~~
490 ~~general election year]~~ 50 days before the date of the election.

491 (5) The county clerk of each county shall:

492 (a) ensure that both the number and title of the amendment, question, or referendum is

493 printed on the sample ballots and official ballots; and

494 (b) publish them as provided by law.

495 Section 12. Section **20A-7-209** is amended to read:

496 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**

497 **Research and General Counsel.**

498 (1) By July 6 before the regular general election, the lieutenant governor shall deliver a
499 copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative
500 Research and General Counsel.

501 (2) (a) The Office of Legislative Research and General Counsel shall:

502 (i) entitle each state initiative that has qualified for the ballot "Citizen's State Initiative
503 Number ___" and give it a number;

504 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the
505 measure; and

506 (iii) return each petition and ballot title to the lieutenant governor by July 20.

507 (b) The ballot title may be distinct from the title of the proposed law attached to the
508 initiative petition, and shall be not more than 100 words.

509 (c) For each state initiative, the official ballot shall show:

510 (i) the number of the initiative as determined by the Office of Legislative Research and
511 General Counsel;

512 (ii) the ballot title as determined by the Office of Legislative Research and General
513 Counsel; and

514 (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.

515 (3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any
516 sponsor of the petition.

517 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the
518 wording of the ballot title prepared by the Office of Legislative Research and General Counsel
519 to the Supreme Court.

520 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
521 to send notice of the appeal to:

522 (A) any person or group that has filed an argument for or against the measure that is the
523 subject of the challenge; or

524 (B) any political issues committee established under Section 20A-11-801 that has filed
525 written or electronic notice with the lieutenant governor that identifies the name, mailing or
526 email address, and telephone number of the person designated to receive notice about any
527 issues relating to the initiative.

528 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
529 Research and General Counsel is an impartial summary of the contents of the initiative.

530 (ii) The Supreme Court may not revise the wording of the ballot title unless the
531 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
532 patently false or biased.

533 (c) The Supreme Court shall:

534 (i) examine the ballot title;

535 (ii) hear arguments; and

536 (iii) by August 10, certify to the lieutenant governor a ballot title for the measure that
537 meets the requirements of this section.

538 (d) [~~By September 1, the~~] The lieutenant governor shall, no later than September 8,
539 certify the title verified by the Supreme Court to the county clerks to be printed on the official
540 ballot.

541 Section 13. Section **20A-7-503** is amended to read:

542 **20A-7-503. Form of initiative petitions and signature sheets.**

543 (1) (a) Each proposed initiative petition shall be printed in substantially the following
544 form:

545 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
546 Clerk:

547 We, the undersigned citizens of Utah, respectfully demand that the following proposed
548 law be submitted to: the legislative body for its approval or rejection at its next meeting; and
549 the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes
550 no action on it.

551 Each signer says:

552 I have personally signed this petition;

553 I am registered to vote in Utah or intend to become registered to vote in Utah before the
554 certification of the petition names by the county clerk; and

555 My residence and post office address are written correctly after my name."

556 (b) The sponsors of an initiative shall attach a copy of the proposed law to each
557 initiative petition.

558 (2) Each signature sheet shall:

559 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

560 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
561 blank for the purpose of binding;

562 (c) contain the title of the initiative printed below the horizontal line;

563 (d) contain the initial fiscal impact estimate's summary statement issued by the budget
564 officer according to Subsection 20A-7-502.5(2)(b) printed or typed in not less than 12-point,
565 bold type, at the top of each signature sheet under the title of the initiative;

566 (e) contain the word "Warning" printed or typed at the top of each signature sheet
567 under the initial fiscal impact estimate's summary statement;

568 (f) contain, to the right of the word "Warning," the following statement printed or
569 typed in not less than eight-point, single leaded type:

570 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
571 name than his own, or knowingly to sign his name more than once for the same measure, or to
572 sign an initiative petition when he knows he is not a registered voter and knows that he does
573 not intend to become registered to vote before the certification of the petition names by the
574 county clerk.";

575 (g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement
576 required by this section;

577 (h) be vertically divided into columns as follows:

578 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
579 headed with "For Office Use Only", and be subdivided with a light vertical line down the
580 middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

581 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
582 Name (must be legible to be counted)";

583 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
584 Voter";

585 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

586 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
587 Code"; and

588 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
589 information is not required, but it may be used to verify your identity with voter registration
590 records. If you choose not to provide it, your signature may not be verified as a valid signature
591 if you change your address before petition signatures are verified or if the information you
592 provide does not match your voter registration records."; and

593 (i) contain the following statement, printed or typed upon the back of each sheet:

594 "Verification

595 State of Utah, County of _____

596 I, _____, of _____, hereby state that:

597 I am a resident of Utah and am at least 18 years old;

598 All the names that appear on this sheet were signed by persons who professed to be the
599 persons whose names appear in it, and each of them signed his name on it in my presence;

600 I believe that each has printed and signed his name and written his post office address
601 and residence correctly, and that each signer is registered to vote in Utah or intends to become
602 registered to vote before the certification of the petition names by the county clerk.

603 _____"

604 (3) The forms prescribed in this section are not mandatory, and, if substantially
605 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
606 errors.

607 Section 14. Section **20A-7-701** is amended to read:

608 **20A-7-701. Voter information pamphlet to be prepared.**

609 (1) The lieutenant governor shall cause to be printed a voter information pamphlet
610 designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the
611 supporting and opposing arguments of any measure submitted to the voters by the Legislature
612 or by a statewide initiative or referendum petition.

613 (2) The pamphlet shall also include a separate section prepared, analyzed, and
614 submitted by the Judicial Council describing the judicial selection and retention process.

615 (3) The lieutenant governor shall cause to be printed as many voter information
616 pamphlets as needed to comply with the provisions of this chapter.

617 (4) Voter information pamphlets prepared in association with a local initiative or a
618 local referendum shall be prepared in accordance with the procedures and requirements of
619 Section 20A-7-402.

620 Section 15. Section **20A-7-702** is amended to read:

621 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

622 (1) The lieutenant governor shall ensure that all information submitted for publication
623 in the voter information pamphlet is:

624 (a) printed and bound in a single pamphlet;

625 (b) printed in clear readable type, no less than ten-point, except that the text of any
626 measure may be set forth in eight-point type; and

627 (c) printed on a quality and weight of paper that best serves the voters.

628 (2) The voter information pamphlet shall contain the following items in this order:

629 (a) a cover title page;

630 (b) an introduction to the pamphlet by the lieutenant governor;

631 (c) a table of contents;

632 (d) a list of all candidates for constitutional offices;

633 (e) a list of candidates for each legislative district;

634 (f) a 100-word statement of qualifications for each candidate for the office of governor,
635 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
636 candidate to the lieutenant governor's office before ~~[July 15 at]~~ 5 p.m. on the date that falls 105
637 days before the date of the election;

638 (g) information pertaining to all measures to be submitted to the voters, beginning a
639 new page for each measure and containing, in the following order for each measure:

640 (i) a copy of the number and ballot title of the measure;

641 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
642 the Legislature or by referendum;

643 (iii) the impartial analysis of the measure prepared by the Office of Legislative
644 Research and General Counsel;

645 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
646 measure, the arguments against the measure, and the rebuttal to the arguments against the
647 measure, with the name and title of the authors at the end of each argument or rebuttal;

648 (v) for each constitutional amendment, a complete copy of the text of the constitutional
649 amendment, with all new language underlined, and all deleted language placed within brackets;
650 and

651 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
652 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section
653 20A-7-202.5;

654 (h) a description provided by the Judicial Council of the selection and retention process
655 for judges, including, in the following order:

- 656 (i) a description of the judicial selection process;
- 657 (ii) a description of the judicial performance evaluation process;
- 658 (iii) a description of the judicial retention election process;
- 659 (iv) a list of the criteria and minimum standards of judicial performance evaluation;
- 660 (v) the names of the judges standing for retention election; and
- 661 (vi) for each judge:
 - 662 (A) the counties in which the judge is subject to retention election;
 - 663 (B) a short biography of professional qualifications and a recent photograph;
 - 664 (C) for each standard of performance, a statement identifying whether or not the judge
665 met the standard and, if not, the manner in which the judge failed to meet the standard;
 - 666 (D) a statement provided by the Utah Supreme Court identifying the cumulative
667 number of informal reprimands, when consented to by the judge in accordance with Subsection
668 78-8-107(2), formal reprimands, and all orders of censure and suspension issued by the Utah
669 Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term
670 and the immediately preceding term, and a detailed summary of the supporting reasons for each
671 violation of the Code of Judicial Conduct that the judge has received; and
 - 672 (E) a statement identifying whether or not the judge was certified by the Judicial
673 Council;

674 (vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic
675 format, the responses for each attorney, jury, and other survey question used by the Judicial
676 Council for certification of judges, displayed in 1% increments;

677 (B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a
678 particular judge is too small to provide statistically reliable information in 1% increments, the

679 survey results for that judge shall be reported as being above or below 70% and a statement by
680 the surveyor explaining why the survey is statistically unreliable shall also be included;

681 (i) an explanation of ballot marking procedures prepared by the lieutenant governor,
682 indicating the ballot marking procedure used by each county and explaining how to mark the
683 ballot for each procedure;

684 (j) voter registration information, including information on how to obtain an absentee
685 ballot;

686 (k) a list of all county clerks' offices and phone numbers; and

687 (l) on the back cover page, a printed copy of the following statement signed by the
688 lieutenant governor:

689 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
690 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
691 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
692 correct according to law. SEAL

693 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
694 of ____ (month), ____ (year)

695 (signed) _____
696 Lieutenant Governor"

697 (3) The lieutenant governor shall:

698 (a) ensure that one copy of the voter information pamphlet is placed in one issue of
699 every newspaper of general circulation in the state not more than 40 nor less than 15 days
700 before the day fixed by law for the election;

701 (b) ensure that a sufficient number of printed voter information pamphlets are available
702 for distribution as required by this section;

703 (c) provide voter information pamphlets to each county clerk for free distribution upon
704 request and for placement at polling places; and

705 (d) ensure that the distribution of the voter information pamphlets is completed 15 days
706 before the election.

707 Section 16. Section **20A-7-703** is amended to read:

708 **20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

709 (1) The director of the Office of Legislative Research and General Counsel, after the

710 approval of the legislative general counsel as to legal sufficiency, shall:

711 (a) prepare an impartial analysis of each measure submitted to the voters by the
712 Legislature or by initiative or referendum petition; and

713 (b) submit the impartial analysis to the lieutenant governor no later than [~~August 20 of~~
714 ~~the year~~] the day that falls 75 days before the date of the election in which the measure will
715 appear on the ballot.

716 (2) The director shall ensure that the impartial analysis:

717 (a) is not more than 1,000 words long;

718 (b) is prepared in clear and concise language that will easily be understood by the
719 average voter;

720 (c) avoids the use of technical terms as much as possible;

721 (d) shows the effect of the measure on existing law;

722 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
723 by the measure;

724 (f) fairly describes the operation of the measure;

725 (g) identifies the measure's fiscal effects for the first full year of implementation and
726 the first year when the last provisions to be implemented are fully effective; and

727 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
728 government.

729 (3) The director shall analyze the measure as it is proposed to be adopted without
730 considering any implementing legislation, unless the implementing legislation has been enacted
731 and will become effective upon the adoption of the measure by the voters.

732 (4) (a) In determining the fiscal effects of a measure, the director shall confer with the
733 legislative fiscal analyst.

734 (b) The director shall consider any measure that requires implementing legislation in
735 order to take effect to have no financial effect, unless implementing legislation has been
736 enacted that will become effective upon adoption of the measure by the voters.

737 (5) If the director requests the assistance of any state department, agency, or official in
738 preparing his analysis, that department, agency, or official shall assist the director.

739 Section 17. Section **20A-7-705** is amended to read:

740 **20A-7-705. Measures to be submitted to voters and referendum measures --**

741 **Preparation of argument of adoption.**

742 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act
743 of the Legislature is referred to the voters by referendum petition, the presiding officer of the
744 house of origin of the measure shall appoint the sponsor of the measure or act and one member
745 of either house who voted with the majority to pass the act or submit the measure to draft an
746 argument for the adoption of the measure.

747 (b) (i) The argument may not exceed 500 words in length.

748 (ii) If the sponsor of the measure or act desires separate arguments to be written in
749 favor by each person appointed, separate arguments may be written but the combined length of
750 the two arguments may not exceed 500 words.

751 (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum
752 petition was not adopted unanimously by the Legislature, the presiding officer of each house
753 shall, at the same time as appointments to an argument in its favor are made, appoint one
754 member who voted against the measure or act from their house to write an argument against
755 the measure or act.

756 (b) (i) The argument may not exceed 500 words.

757 (ii) If those members appointed to write an argument against the measure or act desire
758 separate arguments to be written in opposition to the measure or act by each person appointed,
759 separate arguments may be written, but the combined length of the two arguments may not
760 exceed 500 words.

761 (3) (a) The legislators appointed by the presiding officer of the Senate or House of
762 Representatives to submit arguments shall submit them to the lieutenant governor not later than
763 [June 1] the day that falls 150 days before the date of the election.

764 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
765 arguments after they are submitted to the lieutenant governor.

766 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
767 arguments in any way.

768 (d) The lieutenant governor and the authors of an argument may jointly modify an
769 argument after it is submitted if:

770 (i) they jointly agree that changes to the argument must be made to correct spelling or
771 grammatical errors; and

772 (ii) the argument has not yet been submitted for typesetting.

773 (4) (a) If an argument for or an argument against a measure submitted to the voters by
774 the Legislature or by referendum petition has not been filed by a member of the Legislature
775 within the time required by this section, any voter may request the presiding officer of the
776 house in which the measure originated for permission to prepare and file an argument for the
777 side on which no argument has been prepared by a member of the Legislature.

778 (b) (i) The presiding officer of the house of origin shall grant permission unless two or
779 more voters request permission to submit arguments on the same side of a measure.

780 (ii) If two or more voters request permission to submit arguments on the same side of a
781 measure, the presiding officer shall designate one of the voters to write the argument.

782 (c) Any argument prepared under this subsection shall be submitted to the lieutenant
783 governor not later than ~~[June 15]~~ the day that falls 135 days before the date of the election.

784 (d) The lieutenant governor may not accept a ballot argument submitted under this
785 section unless it is accompanied by:

786 (i) the name and address of the person submitting it, if it is submitted by an individual
787 voter; or

788 (ii) the name and address of the organization and the names and addresses of at least
789 two of its principal officers, if it is submitted on behalf of an organization.

790 (e) Except as provided in Subsection (4)(g), the authors may not amend or change the
791 arguments after they are submitted to the lieutenant governor.

792 (f) Except as provided in Subsection (4)(g), the lieutenant governor may not alter the
793 arguments in any way.

794 (g) The lieutenant governor and the authors of an argument may jointly modify an
795 argument after it is submitted if:

796 (i) they jointly agree that changes to the argument must be made to correct spelling or
797 grammatical errors; and

798 (ii) the argument has not yet been submitted for typesetting.

799 Section 18. Section **20A-7-706** is amended to read:

800 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**
801 **arguments.**

802 (1) When the lieutenant governor has received the arguments for and against a measure

803 to be submitted to the voters, the lieutenant governor shall immediately send copies of the
804 arguments in favor of the measure to the authors of the arguments against and copies of the
805 arguments against to the authors of the arguments in favor.

806 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.

807 (3) (a) The rebuttal arguments must be filed with the lieutenant governor:

808 (i) for constitutional amendments and referendum petitions, not later than ~~[June 30]~~ the
809 day that falls 120 days before the date of the election; and

810 (ii) for initiatives, not later than August 30.

811 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
812 rebuttal arguments after they are submitted to the lieutenant governor.

813 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
814 arguments in any way.

815 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify
816 a rebuttal argument after it is submitted if:

817 (i) they jointly agree that changes to the rebuttal argument must be made to correct
818 spelling or grammatical errors; and

819 (ii) the rebuttal argument has not yet been submitted for typesetting.

820 (4) The lieutenant governor shall ensure that:

821 (a) rebuttal arguments are printed in the same manner as the direct arguments; and

822 (b) each rebuttal argument follows immediately after the direct argument which it
823 seeks to rebut.

824 Section 19. Section **20A-9-201** is amended to read:

825 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
826 **more than one political party prohibited with exceptions -- General filing and form**
827 **requirements.**

828 (1) Before filing a declaration of candidacy for election to any office, a person shall:

829 (a) be a United States citizen; and

830 (b) meet the legal requirements of that office.

831 (2) (a) Except as provided in Subsection (2)(b), a person may not:

832 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
833 Utah during any election year; or

834 (ii) appear on the ballot as the candidate of more than one political party.

835 (b) A person may file a declaration of candidacy for, or be a candidate for, President or
836 Vice President of the United States and another office, if the person resigns the person's
837 candidacy for the other office after the person is officially nominated for President or Vice
838 President of the United States.

839 ~~[(3) If the final date established for filing a declaration of candidacy is a Saturday or~~
840 ~~Sunday, the filing time shall be extended until 5 p.m. on the following business day.]~~

841 ~~[(4)]~~ (3) (a) (i) Except for presidential candidates, before the filing officer may accept
842 any declaration of candidacy, the filing officer shall:

843 (A) read to the prospective candidate the constitutional and statutory qualification
844 requirements for the office that the candidate is seeking; and

845 (B) require the candidate to state whether or not the candidate meets those
846 requirements.

847 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
848 county clerk shall ensure that the person filing that declaration of candidacy is:

849 (A) a United States citizen;

850 (B) an attorney licensed to practice law in Utah who is an active member in good
851 standing of the Utah State Bar;

852 (C) a registered voter in the county in which he is seeking office; and

853 (D) a current resident of the county in which he is seeking office and either has been a
854 resident of that county for at least one year or was appointed and is currently serving as county
855 attorney and became a resident of the county within 30 days after appointment to the office.

856 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
857 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
858 candidacy is:

859 (A) a United States citizen;

860 (B) an attorney licensed to practice law in Utah who is an active member in good
861 standing of the Utah State Bar;

862 (C) a registered voter in the prosecution district in which he is seeking office; and

863 (D) a current resident of the prosecution district in which he is seeking office and either
864 will have been a resident of that prosecution district for at least one year as of the date of the

865 election or was appointed and is currently serving as district attorney and became a resident of
866 the prosecution district within 30 days after receiving appointment to the office.

867 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
868 county clerk shall ensure that the person filing the declaration of candidacy:

869 (A) as of the date of filing:

870 (I) is a United States citizen;

871 (II) is a registered voter in the county in which the person seeks office;

872 (III) (Aa) has successfully met the standards and training requirements established for
873 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
874 Certification Act; or

875 (Bb) has passed a certification examination as provided in Section 53-6-206; and

876 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
877 53-13-103; and

878 (B) as of the date of the election, shall have been a resident of the county in which the
879 person seeks office for at least one year.

880 (b) If the prospective candidate states that he does not meet the qualification
881 requirements for the office, the filing officer may not accept the prospective candidate's
882 declaration of candidacy.

883 (c) If the candidate states that he meets the requirements of candidacy, the filing officer
884 shall:

885 (i) inform the candidate that the candidate's name will appear on the ballot as it is
886 written on the declaration of candidacy;

887 (ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
888 Electronic Voter Information Website Program and inform the candidate of the submission
889 deadline under Subsection 20A-7-801(4)(a);

890 (iii) provide the candidate with a copy of the pledge of fair campaign practices
891 described under Section 20A-9-206 and inform the candidate that:

892 (A) signing the pledge is voluntary; and

893 (B) signed pledges shall be filed with the filing officer;

894 (iv) accept the candidate's declaration of candidacy; and

895 (v) if the candidate has filed for a partisan office, provide a certified copy of the

896 declaration of candidacy to the chair of the county or state political party of which the
897 candidate is a member.

898 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
899 officer shall:

900 (i) accept the candidate's pledge; and

901 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
902 candidate's pledge to the chair of the county or state political party of which the candidate is a
903 member.

904 [~~5~~] (4) Except for presidential candidates, the form of the declaration of candidacy
905 shall be substantially as follows:

906 "State of Utah, County of _____

907 I, _____, declare my intention of becoming a candidate for the office of
908 _____ as a candidate for the _____ party. I do solemnly swear that: I can qualify to hold that
909 office, both legally and constitutionally, if selected; I reside at _____ in the City or
910 Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law
911 governing campaigns and elections; and I will qualify for the office if elected to it. The
912 mailing address that I designate for receiving official election notices is
913 _____.

914 _____

915 Subscribed and sworn before me this _____(month\day\year).

916 _____
Notary Public (or other officer qualified to administer oath.)"

917 [~~6~~] (5) (a) Except for presidential candidates, the fee for filing a declaration of
918 candidacy is:

919 (i) \$25 for candidates for the local school district board; and

920 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person
921 holding the office, but not less than \$5, for all other federal, state, and county offices.

922 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
923 any candidate:

924 (i) who is disqualified; or

925 (ii) who the filing officer determines has filed improperly.

926 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received

927 from candidates.

928 (ii) The lieutenant governor shall:

929 (A) apportion to and pay to the county treasurers of the various counties all fees
930 received for filing of nomination certificates or acceptances; and

931 (B) ensure that each county receives that proportion of the total amount paid to the
932 lieutenant governor from the congressional district that the total vote of that county for all
933 candidates for representative in Congress bears to the total vote of all counties within the
934 congressional district for all candidates for representative in Congress.

935 (d) (i) Each person who is unable to pay the filing fee may file a declaration of
936 candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an
937 affidavit of impecuniosity filed with the filing officer.

938 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in
939 substantially the following form:

940 "Affidavit of Impecuniosity

941 Individual Name

942 _____ Address _____

943 Phone Number _____

944 I, _____ (name), do solemnly [swear] [affirm] that, owing to my
945 poverty, I am unable to pay the filing fee required by law.

946 Date _____ Signature _____

947 Affiant

948 Subscribed and sworn to before me on _____ (month\day\year)

949 _____
950 (signature)

951 Name and Title of Officer Authorized to Administer Oath _____"

952 [~~7~~] (6) Any person who fails to file a declaration of candidacy or certificate of
953 nomination within the time provided in this chapter is ineligible for nomination to office.

954 [~~8~~] (7) A declaration of candidacy filed under this section may not be amended or
955 modified after the final date established for filing a declaration of candidacy.

956 Section 20. Section **20A-9-202** is amended to read:

957 **20A-9-202. Declarations of candidacy for regular general elections --**

958 **Requirements for candidates.**

959 (1) (a) Each person seeking to become a candidate for elective office for any county
960 office that is to be filled at the next regular general election shall:

961 (i) file a declaration of candidacy in person with the county clerk on or after March 7
962 and before 5 p.m. on the March 17 before the next regular general election; and

963 (ii) pay the filing fee.

964 (b) Each person intending to become a candidate for any legislative office or
965 multicounty office that is to be filled at the next regular general election shall:

966 (i) file a declaration of candidacy in person with either the lieutenant governor or the
967 county clerk in the candidate's county of residence on or after March 7 and before 5 p.m. on the
968 March 17 before the next regular general election; and

969 (ii) pay the filing fee.

970 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for
971 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
972 candidacy to the lieutenant governor within one working day after it is filed.

973 (ii) Each day during the filing period, each county clerk shall notify the lieutenant
974 governor electronically or by telephone of legislative candidates who have filed in their office.

975 (d) Each person seeking to become a candidate for elective office for any federal office
976 or constitutional office that is to be filled at the next regular general election shall:

977 (i) file a declaration of candidacy in person with the lieutenant governor on or after
978 March 7 and before 5 p.m. on the March 17 before the next regular general election; and

979 (ii) pay the filing fee.

980 (e) Each person seeking the office of lieutenant governor, the office of district attorney,
981 or the office of President or Vice President of the United States shall comply with the specific
982 declaration of candidacy requirements established by this section.

983 (2) (a) Each person intending to become a candidate for the office of district attorney
984 within a multicounty prosecution district that is to be filled at the next regular general election
985 shall:

986 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
987 creating the prosecution district on or after March 7 and before 5 p.m. on the March 17 before
988 the next regular general election; and

989 (ii) pay the filing fee.

990 (b) The designated clerk shall provide to the county clerk of each county in the
991 prosecution district a certified copy of each declaration of candidacy filed for the office of
992 district attorney.

993 (3) (a) Within five working days of nomination, each lieutenant governor candidate
994 shall:

995 (i) file a declaration of candidacy with the lieutenant governor; and

996 (ii) pay the filing fee.

997 (b) (i) Any candidate for lieutenant governor who fails to file within five working days
998 is disqualified.

999 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to
1000 replace the disqualified candidate.

1001 (4) Each registered political party shall:

1002 (a) certify the names of its candidates for President and Vice President of the United
1003 States to the lieutenant governor [~~by~~] no later than September [~~3~~] 8; or

1004 (b) provide written authorization for the lieutenant governor to accept the certification
1005 of candidates for President and Vice President of the United States from the national office of
1006 the registered political party.

1007 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1008 objection is filed with the clerk or lieutenant governor within five days after the last day for
1009 filing.

1010 (b) If an objection is made, the clerk or lieutenant governor shall:

1011 (i) mail or personally deliver notice of the objection to the affected candidate
1012 immediately; and

1013 (ii) decide any objection within 48 hours after it is filed.

1014 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1015 problem by amending the declaration or petition within three days after the objection is
1016 sustained or by filing a new declaration within three days after the objection is sustained.

1017 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1018 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1019 by a district court if prompt application is made to the court.

1020 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1021 of its discretion, agrees to review the lower court decision.

1022 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1023 filing a written affidavit with the clerk.

1024 Section 21. Section **20A-9-203** is amended to read:

1025 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1026 (1) (a) A person may become a candidate for any municipal office if the person is a
1027 registered voter and:

1028 (i) the person has resided within the municipality in which that person seeks to hold
1029 elective office for the 12 consecutive months immediately before the date of the election; or

1030 (ii) if the territory in which the person resides was annexed into the municipality, the
1031 person has resided within the annexed territory or the municipality for 12 months.

1032 (b) In addition to the requirements of Subsection (1)(a), candidates for a municipal
1033 council position under the council-mayor or council-manager alternative forms of municipal
1034 government shall, if elected from districts, be residents of the council district from which they
1035 are elected.

1036 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
1037 incompetent person, any person convicted of a felony, or any person convicted of treason or a
1038 crime against the elective franchise may not hold office in this state until the right to hold
1039 elective office is restored under Section 20A-2-101.5.

1040 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
1041 become a candidate for a municipal office shall:

1042 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
1043 office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year;
1044 and

1045 (ii) pay the filing fee, if one is required by municipal ordinance.

1046 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
1047 persons registered to vote in the municipality on the January 1 of the municipal election year.

1048 (ii) A third, fourth, or fifth class city that used the convention system to nominate
1049 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
1050 process contained in this Subsection (2)(b) in the last municipal election or a town that used the

1051 convention system to nominate candidates in the last municipal election as authorized by
1052 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
1053 municipal election may, by ordinance, require, in lieu of the convention system, that candidates
1054 for municipal office file a nominating petition signed by a percentage of registered voters at the
1055 same time that the candidate files a declaration of candidacy.

1056 (iii) The ordinance shall specify the number of signatures that the candidate must
1057 obtain on the nominating petition in order to become a candidate for municipal office under
1058 this Subsection (2), but that number may not exceed 5% of registered voters.

1059 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1060 (i) filing a nomination petition with the city recorder or town clerk during office hours,
1061 but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

1062 (ii) paying the filing fee, if one is required by municipal ordinance.

1063 ~~[(d) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended~~
1064 ~~until 5 p.m. on the following regular business day.]~~

1065 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
1066 petition, the filing officer shall:

1067 (i) read to the prospective candidate or person filing the petition the constitutional and
1068 statutory qualification requirements for the office that the candidate is seeking; and

1069 (ii) require the candidate or person filing the petition to state whether or not the
1070 candidate meets those requirements.

1071 (b) If the prospective candidate does not meet the qualification requirements for the
1072 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1073 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1074 filing officer shall:

1075 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1076 written on the declaration of candidacy;

1077 (ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1078 Electronic Voter Information Website Program and inform the candidate of the submission
1079 deadline under Subsection 20A-7-801(4)(a);

1080 (iii) provide the candidate with a copy of the pledge of fair campaign practices
1081 described under Section 20A-9-206 and inform the candidate that:

- 1082 (A) signing the pledge is voluntary; and
- 1083 (B) signed pledges shall be filed with the filing officer; and
- 1084 (iv) accept the declaration of candidacy or nomination petition.
- 1085 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
- 1086 officer shall:
 - 1087 (i) accept the candidate's pledge; and
 - 1088 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
 - 1089 candidate's pledge to the chair of the county or state political party of which the candidate is a
 - 1090 member.
- 1091 (4) The declaration of candidacy shall substantially comply with the following form:
 - 1092 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
 - 1093 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
 - 1094 registered voter; and that I am a candidate for the office of ____ (stating the term). I request
 - 1095 that my name be printed upon the applicable official ballots. (Signed) _____
 - 1096 Subscribed and sworn to (or affirmed) before me by ____ on this
 - 1097 _____(month\day\year).
 - 1098 (Signed) _____ (Clerk or other officer qualified to administer oath)"
- 1099 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
- 1100 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
- 1101 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
- 1102 for municipal office by submitting a petition signed by:
 - 1103 (i) 25 residents of the municipality who are at least 18 years old; or
 - 1104 (ii) 20% of the residents of the municipality who are at least 18 years old.
- 1105 (b) (i) The petition shall substantially conform to the following form:
 - 1106 "NOMINATION PETITION
 - 1107 The undersigned residents of (name of municipality) being 18 years old or older
 - 1108 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
 - 1109 applicable)."
 - 1110 (ii) The remainder of the petition shall contain lines and columns for the signatures of
 - 1111 persons signing the petition and their addresses and telephone numbers.
- 1112 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized

1113 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
1114 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
1115 signed by the same percentage of registered voters in the municipality as required by the
1116 ordinance passed under authority of Subsection (2)(b).

1117 (b) (i) The petition shall substantially conform to the following form:

1118 "NOMINATION PETITION

1119 The undersigned residents of (name of municipality) being 18 years old or older
1120 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
1121 whichever is applicable)."

1122 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1123 persons signing the petition and their addresses and telephone numbers.

1124 (7) If the declaration of candidacy or nomination petition fails to state whether the
1125 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
1126 the four-year term.

1127 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
1128 voters.

1129 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1130 print the candidate's name on the ballot.

1131 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
1132 clerk shall:

1133 (a) cause the names of the candidates as they will appear on the ballot to be published
1134 in at least two successive publications of a newspaper with general circulation in the
1135 municipality; and

1136 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1137 the ballot.

1138 (10) A declaration of candidacy or nomination petition filed under this section may not
1139 be amended after the expiration of the period for filing a declaration of candidacy.

1140 (11) (a) A declaration of candidacy or nomination petition filed under this section is
1141 valid unless a written objection is filed with the clerk within five days after the last day for
1142 filing.

1143 (b) If an objection is made, the clerk shall:

- 1144 (i) mail or personally deliver notice of the objection to the affected candidate
1145 immediately; and
- 1146 (ii) decide any objection within 48 hours after it is filed.
- 1147 (c) If the clerk sustains the objection, the candidate may correct the problem by
1148 amending the declaration or petition within three days after the objection is sustained or by
1149 filing a new declaration within three days after the objection is sustained.
- 1150 (d) (i) The clerk's decision upon objections to form is final.
- 1151 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1152 prompt application is made to the district court.
- 1153 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1154 of its discretion, agrees to review the lower court decision.
- 1155 (12) Any person who filed a declaration of candidacy and was nominated, and any
1156 person who was nominated by a nomination petition, may, any time up to 23 days before the
1157 election, withdraw the nomination by filing a written affidavit with the clerk.
- 1158 Section 22. Section **20A-9-403** is amended to read:
- 1159 **20A-9-403. Regular primary elections.**
- 1160 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
1161 primary election day.
- 1162 (b) Each registered political party that chooses to use the primary election process to
1163 nominate some or all of its candidates shall comply with the requirements of this section.
- 1164 (2) (a) As a condition for using the state's election system, each registered political
1165 party that wishes to participate in the primary election shall:
- 1166 (i) declare their intent to participate in the primary election;
- 1167 (ii) identify one or more registered political parties whose members may vote for the
1168 registered political party's candidates and whether or not persons identified as unaffiliated with
1169 a political party may vote for the registered political party's candidates; and
- 1170 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1
1171 of each even-numbered year [~~except that when March 1 is a Saturday or Sunday, the~~
1172 ~~certification deadline shall be extended until 5 p.m. on the following regular business day~~].
- 1173 (b) As a condition for using the state's election system, each registered political party
1174 that wishes to participate in the primary election shall:

1175 (i) certify the name and office of all of the registered political party's candidates to the
1176 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year~~[-except that~~
1177 ~~when May 13 is a Saturday or Sunday, the certification deadline shall be extended until 5 p.m.~~
1178 ~~on the following regular business day]; and~~

1179 (ii) certify the name and office of each of its county candidates to the county clerks by
1180 5 p.m. on May 13 of each even-numbered year~~[-except that when May 13 is a Saturday or~~
1181 ~~Sunday, the certification deadline shall be extended until 5 p.m. on the following regular~~
1182 ~~business day].~~

1183 (c) By 5 p.m. on May 16 of each even-numbered year, ~~[or by 5 p.m. on the following~~
1184 ~~regular business day if May 16 is a Saturday or Sunday,]~~ the lieutenant governor shall send the
1185 county clerks a certified list of the names of all statewide or multicounty candidates that must
1186 be printed on the primary ballot.

1187 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does
1188 not wish to participate in the primary election, it shall submit the names of its county
1189 candidates to the county clerks and the names of all of its candidates to the lieutenant governor
1190 by 5 p.m. on May 30 of each even-numbered year~~[-except that when May 30 is a Saturday or~~
1191 ~~Sunday, the submission deadline shall be extended until 5 p.m. on the following regular~~
1192 ~~business day].~~

1193 (ii) A registered political party's candidates for President and Vice-President of the
1194 United States shall be certified to the lieutenant governor as provided in Subsection
1195 20A-9-202(4).

1196 (e) Each political party shall certify the names of its presidential and vice-presidential
1197 candidates and presidential electors to the lieutenant governor's office ~~[by]~~ no later than
1198 September [3] 8 of each presidential election year~~[-or by the following regular business day if~~
1199 ~~September 3 is a Saturday or Sunday].~~

1200 (3) The county clerk shall:

1201 (a) review the declarations of candidacy filed by candidates for local boards of
1202 education to determine if more than two candidates have filed for the same seat;

1203 (b) place the names of all candidates who have filed a declaration of candidacy for a
1204 local board of education seat on the nonpartisan section of the ballot if more than two
1205 candidates have filed for the same seat; and

1206 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

1207 (4) After the county clerk receives the certified list from a registered political party, the
1208 county clerk shall post or publish a primary election notice in substantially the following form:

1209 "Notice is given that a primary election will be held Tuesday, June _____,
1210 _____(year), to nominate party candidates for the parties and nonpartisan offices listed on
1211 the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7
1212 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

1213 (5) (a) Candidates receiving the highest number of votes cast for each office at the
1214 regular primary election are nominated by their party or nonpartisan group for that office.

1215 (b) If two or more candidates are to be elected to the office at the regular general
1216 election, those party candidates equal in number to positions to be filled who receive the
1217 highest number of votes at the regular primary election are the nominees of their party for those
1218 positions.

1219 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1220 office that represents more than one county, the governor, lieutenant governor, and attorney
1221 general shall, at a public meeting called by the governor and in the presence of the candidates
1222 involved, select the nominee by lot cast in whatever manner the governor determines.

1223 (b) When a tie vote occurs in any primary election for any county office, the district
1224 court judges of the district in which the county is located shall, at a public meeting called by
1225 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1226 whatever manner the judges determine.

1227 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1228 primary election provided for by this section, and all expenses necessarily incurred in the
1229 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1230 county or state, in the same manner as for the regular general elections.

1231 Section 23. Section **20A-9-601** is amended to read:

1232 **20A-9-601. Qualifying as a write-in candidate.**

1233 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
1234 of candidacy with the appropriate filing officer not later than 30 days before the regular general
1235 election or municipal general election in which the person intends to be a write-in candidate.

1236 ~~[(b) If the filing deadline falls on a weekend or holiday, it shall be extended to the next~~

1237 ~~regular business day.]~~

1238 [(~~e~~)] (b) (i) The filing officer shall:

1239 (A) read to the candidate the constitutional and statutory requirements for the office;

1240 and

1241 (B) ask the candidate whether or not the candidate meets the requirements.

1242 (ii) If the candidate cannot meet the requirements of office, the filing officer may not
1243 accept the write-in candidate's declaration of candidacy.

1244 (2) A write-in candidate in towns need not prequalify with the filing officer.

1245 (3) By November 1 of each regular general election year, the lieutenant governor shall
1246 certify to each county clerk the names of all write-in candidates who filed their declaration of
1247 candidacy with the lieutenant governor.

1248 Section 24. Section **20A-9-701** is amended to read:

1249 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1250 (1) [~~By~~] No later than September [~~1~~] 8 of each regular general election year, the
1251 lieutenant governor shall certify to each county clerk the names of each candidate, including
1252 candidates for president and vice president, certified by each registered political party as that
1253 party's nominees for offices to be voted upon at the regular general election in that county
1254 clerk's county.

1255 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1256 the ballot as they are provided on the candidate's declaration of candidacy.

1257 Section 25. Section **20A-9-802** is amended to read:

1258 **20A-9-802. Western States Presidential Primary established -- Other ballot issues**
1259 **prohibited.**

1260 (1) (a) Contingent upon legislative appropriation, there is established a Western States
1261 Presidential Primary election to be held on the first Tuesday in February in the year in which a
1262 presidential election will be held.

1263 (b) Except as otherwise specifically provided in this chapter, county clerks shall
1264 administer the Western States Presidential Primary according to the provisions of Title 20A,
1265 Election Code, including:

1266 (i) Title 20A, Chapter 1, General Provisions;

1267 (ii) Title 20A, Chapter 2, Voter Registration;

- 1268 (iii) Title 20A, Chapter 3, Voting;
- 1269 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;
- 1270 (v) Title 20A, Chapter 5, Election Administration; and
- 1271 (vi) Title 20A, Chapter 6, Ballot Form.
- 1272 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western
- 1273 States Presidential Primary contains only the names of candidates for President of the United
- 1274 States who have qualified as provided in this part.
- 1275 (ii) The county clerks may not present any other items to the voters to be voted upon at
- 1276 this election.
- 1277 (2) Registered political parties, and candidates for President of the United States who
- 1278 are affiliated with a registered political party, may participate in the Western States Presidential
- 1279 Primary established by this part.
- 1280 (3) As a condition for using the state's election system, each registered political party
- 1281 wishing to participate in Utah's Western States Presidential Primary shall:
- 1282 (a) declare their intent to participate in the Western States Presidential Primary;
- 1283 (b) identify one or more registered political parties whose members may vote for the
- 1284 registered political party's candidates and whether or not persons identified as unaffiliated with
- 1285 a political party may vote for the registered political party's candidates; and
- 1286 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June
- 1287 30 of the year before the year in which the presidential primary will be held[, or the following
- 1288 business day if June 30 falls on a Saturday, Sunday, or holiday].
- 1289 Section 26. Section **20A-9-803** is amended to read:
- 1290 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**
- 1291 (1) [~~(a)~~] Candidates for President of the United States who are affiliated with a
- 1292 registered political party in Utah that has elected to participate in Utah's Western States
- 1293 Presidential Primary and who wish to participate in the primary shall:
- 1294 [~~(i)~~] (a) except as provided in Subsection (1)(b), file a declaration of candidacy, in
- 1295 person or via a designated agent, with the lieutenant governor between July 1 of the year before
- 1296 the primary election will be held and 5 p.m. on October 15 of the year before the primary
- 1297 election will be held;
- 1298 [~~(i)~~] (b) identify the registered political party whose nomination the candidate is

1299 seeking;

1300 [(iii)] (c) provide a letter from the registered political party certifying that the candidate
1301 may participate as a candidate for that party in that party's presidential primary election; and

1302 [(iv)] (d) pay the filing fee of \$500.

1303 ~~[(b) If October 15 falls on a Saturday, Sunday, or holiday, the filing time shall be~~
1304 ~~extended until 5 p.m. on the following business day.]~~

1305 (2) The lieutenant governor shall develop a declaration of candidacy form for
1306 presidential candidates participating in the primary.

1307 Section 27. Section **20A-11-302** is amended to read:

1308 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
1309 **Year-end summary report.**

1310 (1) Each legislative office candidate shall file a summary report by January 5 of the
1311 year after the regular general election year.

1312 (2) (a) Each summary report shall include the following information as of December 31
1313 of the last regular general election year:

1314 (i) the net balance of the last summary report, if any;

1315 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1316 if any, during the ~~[calendar]~~ last regular general election year ~~[in which the summary report is~~
1317 ~~due];~~

1318 (iii) a single figure equal to the total amount of expenditures reported on all interim
1319 reports, if any, filed during the last regular general election year;

1320 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1321 the last summary report that has not been reported in detail on an interim report;

1322 (v) for each nonmonetary contribution, the fair market value of the contribution;

1323 (vi) a detailed listing of each expenditure made since the last summary report that has
1324 not been reported in detail on an interim report;

1325 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1326 (viii) a net balance for the year consisting of the net balance from the last summary
1327 report, if any, plus all receipts minus all expenditures.

1328 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1329 single aggregate figure may be reported without separate detailed listings.

1330 (ii) Two or more contributions from the same source that have an aggregate total of
1331 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1332 (c) In preparing the report, all receipts and expenditures shall be reported as of
1333 December 31 of the last regular general election year.

1334 (3) The summary report shall contain a paragraph signed by the legislative office
1335 candidate certifying that to the best of the candidate's knowledge, all receipts and all
1336 expenditures have been reported as of December 31 of the last regular general election year and
1337 that there are no bills or obligations outstanding and unpaid except as set forth in that report.

1338 (4) Legislative office candidates reporting under this section need only report receipts
1339 received and expenditures made after April 29, 1991.

1340 Section 28. Section **20A-11-506** is amended to read:

1341 **20A-11-506. Political party financial reporting requirements -- Year-end**
1342 **summary report.**

1343 (1) Each party committee shall file a summary report by January 5 of the year after the
1344 regular general election year.

1345 (2) (a) Each summary report shall include the following information as of December 31
1346 of the regular general election year:

1347 (i) the net balance of the last summary report, if any;

1348 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1349 if any, during the last regular general election year;

1350 (iii) a single figure equal to the total amount of expenditures reported on all interim
1351 reports, if any, filed during the last regular general election year;

1352 (iv) a detailed listing of each contribution and public service assistance received since
1353 the last summary report that has not been reported in detail on an interim report;

1354 (v) for each nonmonetary contribution, the fair market value of the contribution;

1355 (vi) a detailed listing of each expenditure made since the last summary report that has
1356 not been reported in detail on an interim report;

1357 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1358 (viii) a net balance for the year consisting of the net balance from the last summary
1359 report, if any, plus all receipts minus all expenditures.

1360 (b) (i) For all individual contributions or public service assistance of \$50 or less, a

1361 single aggregate figure may be reported without separate detailed listings.

1362 (ii) Two or more contributions from the same source that have an aggregate total of
1363 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1364 (c) In preparing the report, all receipts and expenditures shall be reported as of
1365 December 31 of the last regular general election year.

1366 (3) The summary report shall contain a paragraph signed by the treasurer of the party
1367 committee certifying that, to the best of the treasurer's knowledge, all receipts and all
1368 expenditures have been reported as of December 31 of the last regular general election year and
1369 that there are no bills or obligations outstanding and unpaid except as set forth in that report.

1370 Section 29. Section **20A-11-601** is amended to read:

1371 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
1372 **providing false information or accepting unlawful contribution.**

1373 (1) (a) Each political action committee shall file a statement of organization with the
1374 lieutenant governor's office by January 10 of each year, unless the political action committee
1375 has filed a notice of dissolution under Subsection (4).

1376 (b) If a political action committee is organized after the January 10 filing date, the
1377 political action committee shall file an initial statement of organization no later than seven days
1378 after:

1379 (i) receiving contributions totaling at least \$750; or

1380 (ii) distributing expenditures for political purposes totaling at least \$750.

1381 [~~(c) If January 10 falls on a weekend or holiday, the statement of organization shall be~~
1382 ~~filed by the following business day:]~~

1383 (2) Each political action committee shall designate two officers that have primary
1384 decision-making authority for the political action committee.

1385 (3) The statement of organization shall include:

1386 (a) the name and address of the political action committee;

1387 (b) the name, street address, phone number, occupation, and title of the two primary
1388 officers designated under Subsection (2);

1389 (c) the name, street address, occupation, and title of all other officers of the political
1390 action committee;

1391 (d) the name and street address of the organization, individual corporation, association,

1392 unit of government, or union that the political action committee represents, if any;

1393 (e) the name and street address of all affiliated or connected organizations and their
1394 relationships to the political action committee;

1395 (f) the name, street address, business address, occupation, and phone number of the
1396 committee's treasurer or chief financial officer; and

1397 (g) the name, street address, and occupation of each member of the governing and
1398 advisory boards, if any.

1399 (4) (a) Any registered political action committee that intends to permanently cease
1400 operations shall file a notice of dissolution with the lieutenant governor's office.

1401 (b) Any notice of dissolution filed by a political action committee does not exempt that
1402 political action committee from complying with the financial reporting requirements of this
1403 chapter.

1404 (5) (a) Unless the political action committee has filed a notice of dissolution under
1405 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
1406 notice of any change of an officer described in Subsection (2).

1407 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1408 (i) be filed within ten days of the date of the change; and

1409 (ii) contain the name and title of the officer being replaced, and the name, street
1410 address, occupation, and title of the new officer.

1411 (6) (a) A person is guilty of providing false information in relation to a political action
1412 committee if the person intentionally or knowingly gives false or misleading material
1413 information in the statement of organization or the notice of change of primary officer.

1414 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
1415 contribution if the political action committee knowingly or recklessly accepts a contribution
1416 from a corporation that:

1417 (i) was organized less than 90 days before the date of the general election; and

1418 (ii) at the time the political action committee accepts the contribution, has failed to file
1419 a statement of organization with the lieutenant governor's office as required by Section
1420 20A-11-704.

1421 (c) A violation of this Subsection (6) is a third degree felony.

1422 Section 30. Section **20A-11-801** is amended to read:

1423 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
1424 **providing false information or accepting unlawful contribution.**

1425 (1) (a) Each political issues committee shall file a statement of organization with the
1426 lieutenant governor's office by January 10 of each year, unless the political issues committee
1427 has filed a notice of dissolution under Subsection (4).

1428 (b) If a political issues committee is organized after the January 10 filing date, the
1429 political issues committee shall file an initial statement of organization no later than seven days
1430 after:

1431 (i) receiving political issues contributions totaling at least \$750; or

1432 (ii) disbursing political issues expenditures totaling at least \$50.

1433 ~~[(c) If January 10 falls on a weekend or holiday, the statement of organization shall be~~
1434 ~~filed by the following business day.]~~

1435 (2) Each political issues committee shall designate two officers that have primary
1436 decision-making authority for the political issues committee.

1437 (3) The statement of organization shall include:

1438 (a) the name and street address of the political issues committee;

1439 (b) the name, street address, phone number, occupation, and title of the two primary
1440 officers designated under Subsection (2);

1441 (c) the name, street address, occupation, and title of all other officers of the political
1442 issues committee;

1443 (d) the name and street address of the organization, individual, corporation,
1444 association, unit of government, or union that the political issues committee represents, if any;

1445 (e) the name and street address of all affiliated or connected organizations and their
1446 relationships to the political issues committee;

1447 (f) the name, street address, business address, occupation, and phone number of the
1448 committee's treasurer or chief financial officer;

1449 (g) the name, street address, and occupation of each member of the supervisory and
1450 advisory boards, if any; and

1451 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1452 or oppose it.

1453 (4) (a) Any registered political issues committee that intends to permanently cease

1454 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
1455 office.

1456 (b) Any notice of dissolution filed by a political issues committee does not exempt that
1457 political issues committee from complying with the financial reporting requirements of this
1458 chapter.

1459 (5) (a) Unless the political issues committee has filed a notice of dissolution under
1460 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
1461 notice of any change of an officer described in Subsection (2).

1462 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1463 (i) be filed within ten days of the date of the change; and

1464 (ii) contain the name and title of the officer being replaced and the name, street
1465 address, occupation, and title of the new officer.

1466 (6) (a) A person is guilty of providing false information in relation to a political issues
1467 committee if the person intentionally or knowingly gives false or misleading material
1468 information in the statement of organization or the notice of change of primary officer.

1469 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
1470 contribution if the political issues committee knowingly or recklessly accepts a contribution
1471 from a corporation that:

1472 (i) was organized less than 90 days before the date of the general election; and

1473 (ii) at the time the political issues committee accepts the contribution, has failed to file
1474 a statement of organization with the lieutenant governor's office as required by Section
1475 20A-11-704.

1476 (c) A violation of this Subsection (6) is a third degree felony.

1477 Section 31. Section **20A-11-1202** is amended to read:

1478 **20A-11-1202. Definitions.**

1479 As used in this ~~chapter~~ part:

1480 (1) "Ballot proposition" means constitutional amendments, initiatives, referenda,
1481 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
1482 the voters for their approval or rejection.

1483 (2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
1484 agency that receives its revenues from conduct of its commercial operations.

- 1485 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
1486 cooperation agency that receives some or all of its revenues from:
- 1487 (i) government appropriations;
 - 1488 (ii) taxes;
 - 1489 (iii) government fees imposed for regulatory or revenue raising purposes; or
 - 1490 (iv) interest earned on public funds or other returns on investment of public funds.
- 1491 (3) "Expenditure" means:
- 1492 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1493 or anything of value [~~made for political purposes~~];
 - 1494 (b) an express, legally enforceable contract, promise, or agreement to make any
1495 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1496 value [~~for political purposes~~];
 - 1497 (c) a transfer of funds between a public entity and a candidate's personal campaign
1498 committee;
 - 1499 (d) a transfer of funds between a public entity and a political issues committee; or
 - 1500 (e) goods or services provided to or for the benefit of a candidate, a candidate's
1501 personal campaign committee, or a political issues committee for political purposes at less than
1502 fair market value.
- 1503 (4) "Governmental interlocal cooperation agency" means an interlocal cooperation
1504 agency that receives some or all of its revenues from:
- 1505 (a) government appropriations;
 - 1506 (b) taxes;
 - 1507 (c) government fees imposed for regulatory or revenue raising purposes; or
 - 1508 (d) interest earned on public funds or other returns on investment of public funds.
- 1509 (5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.
1510 (b) "Influence" does not mean providing a brief statement about a public entity's
1511 position on a ballot proposition and the reason for that position.
- 1512 (6) "Interlocal cooperation agency" means an entity created by interlocal agreement
1513 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 1514 (7) "Local district" means an entity under Title 17B, Limited Purpose Local
1515 Government Entities - Local Districts, and includes a special service district under Title 17A,

1516 Chapter 2, Part 13, Utah Special Service District Act.

1517 (8) (a) "Political issues committee" means an entity, or any group of individuals or
1518 entities within or outside this state, that solicits or receives [~~contributions~~] a contribution from
1519 any other person, group, or entity and makes [~~expenditures~~] an expenditure from [~~these~~
1520 ~~contributions~~] one or more contributions to influence, or to intend to influence, directly or
1521 indirectly, any person to assist in placing a ballot proposition on the ballot, to assist in keeping
1522 a ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against any
1523 ballot proposition.

1524 (b) "Political issues committee" does not mean an entity that provides goods or
1525 services to an individual or committee in the regular course of its business at the same price
1526 that would be provided to the general public.

1527 (9) "Political purposes" means an act done with the intent or in a way to influence or
1528 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1529 against any candidate for public office at any caucus, political convention, primary, or election.

1530 (10) (a) "Public entity" includes the state, each state agency, each county, municipality,
1531 school district, local district, governmental interlocal cooperation agency, and each
1532 administrative subunit of each of them.

1533 (b) "Public entity" does not include a commercial interlocal cooperation agency.

1534 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
1535 Local Health Departments.

1536 (11) (a) "Public funds" means any monies received by a public entity from
1537 appropriations, taxes, fees, interest, or other returns on investment.

1538 (b) "Public funds" does not include monies donated to a public entity by a person or
1539 entity.

1540 (12) (a) "Public official" means an elected or appointed member of government with
1541 authority to make or determine public policy.

1542 (b) "Public official" includes the person or group that:

1543 (i) has supervisory authority over the personnel and affairs of a public entity; and

1544 (ii) approves the expenditure of funds for the public entity.

1545 (13) (a) "State agency" means each department, commission, board, council, agency,
1546 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,

1547 unit, bureau, panel, or other administrative unit of the state.

1548 (b) "State agency" includes the legislative branch, the Board of Regents, the
1549 institutional councils of each higher education institution, and each higher education
1550 institution.

1551 Section 32. Section **20A-11-1203** is amended to read:

1552 **20A-11-1203. Public entity prohibited from expending public funds on certain**
1553 **electoral matters.**

1554 (1) Unless specifically required by law, a public entity may not make [~~expenditures~~] an
1555 expenditure from public funds for political purposes or to influence a ballot proposition.

1556 (2) Nothing in this chapter prohibits a public official from speaking, campaigning,
1557 contributing personal monies, or otherwise exercising the public official's individual First
1558 Amendment rights for political purposes.

1559 (3) Nothing in this chapter prohibits a public entity from providing factual information
1560 about a ballot proposition to the public, so long as the information grants equal access to both
1561 the opponents and proponents of the ballot proposition.

1562 (4) Nothing in this chapter prohibits a public entity from the neutral encouragement of
1563 voters to vote.

1564 (5) Nothing in this chapter prohibits a public entity from preparing information
1565 analyzing the pros and cons of a ballot proposition when requested to do so by the public
1566 entity's governing body.

1567 (6) Nothing in this chapter prohibits an elected official from campaigning or
1568 advocating for or against a ballot proposition.

1569 (7) A violation of this section does not invalidate an otherwise valid election.

1570 Section 33. Section **20A-11-1302** is amended to read:

1571 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1572 **-- Year-end summary report.**

1573 (1) Each school board office candidate shall file a summary report by January 5 of the
1574 year after the regular general election year.

1575 (2) (a) Each summary report shall include the following information as of December 31
1576 of the last regular general election year:

1577 (i) the net balance of the last summary report, if any;

1578 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
1579 if any, during the [~~calendar~~] last regular general election year [~~in which the summary report is~~
1580 ~~due~~];

1581 (iii) a single figure equal to the total amount of expenditures reported on all interim
1582 reports, if any, filed during the last regular general election year;

1583 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1584 the last summary report that has not been reported in detail on an interim report;

1585 (v) for each nonmonetary contribution, the fair market value of the contribution;

1586 (vi) a detailed listing of each expenditure made since the last summary report that has
1587 not been reported in detail on an interim report;

1588 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1589 (viii) a net balance for the year consisting of the net balance from the last summary
1590 report, if any, plus all receipts minus all expenditures.

1591 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
1592 single aggregate figure may be reported without separate detailed listings.

1593 (ii) Two or more contributions from the same source that have an aggregate total of
1594 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1595 (c) In preparing the report, all receipts and expenditures shall be reported as of
1596 December 31 of the last regular general election year.

1597 (3) The summary report shall contain a paragraph signed by the school board office
1598 candidate certifying that, to the best of the school board office candidate's knowledge, all
1599 receipts and all expenditures have been reported as of December 31 of the last regular general
1600 election year and that there are no bills or obligations outstanding and unpaid except as set
1601 forth in that report.

1602 (4) School board office candidates reporting under this section need only report
1603 receipts received and expenditures made after May 5, 1997.

1604 Section 34. Section **20A-12-201** is amended to read:

1605 **20A-12-201. Judicial appointees -- Retention elections.**

1606 (1) (a) Each appointee to a court of record is subject to an unopposed retention election
1607 at the first general election held more than three years after the judge or justice was appointed.

1608 (b) After the first retention election:

1609 (i) each Supreme Court justice shall be on the regular general election ballot for an
1610 unopposed retention election every tenth year; and

1611 (ii) each judge of other courts of record shall be on the regular general election ballot
1612 for an unopposed retention election every sixth year.

1613 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in
1614 the year the justice or judge is subject to a retention election:

1615 (i) file a declaration of candidacy as if a candidate for multi-county office in
1616 accordance with Section 20A-9-202; and

1617 (ii) pay a filing fee of \$50.

1618 (b) Each county justice judge who wishes to retain office shall, in the year the justice or
1619 judge is subject to a retention election:

1620 (i) file a declaration of candidacy as if a candidate for county office in accordance with
1621 Section 20A-9-202; and

1622 (ii) pay a filing fee of \$25.

1623 (3) (a) The lieutenant governor shall, [by] no later than September [±] 8 of each regular
1624 general election year:

1625 (i) transmit a certified list containing the names of the justices of the Supreme Court
1626 and judges of the Court of Appeals declaring their candidacy to the county clerk of each
1627 county; and

1628 (ii) transmit a certified list containing the names of judges of other courts declaring
1629 their candidacy to the county clerk of each county in the geographic division in which the judge
1630 filing the declaration holds office.

1631 (b) Each county clerk shall place the names of justices and judges standing for
1632 retention election in the nonpartisan section of the ballot.

1633 (4) At the general election, the ballots shall contain, as to each justice or judge of any
1634 court to be voted on in the county, the following question:

1635 "Shall _____(name of justice or judge) be retained in the
1636 office of _____?" (name of office, such as "Justice of the Supreme
1637 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
1638 Third Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District";
1639 "County Justice Court Judge of (name of county) County")

1640 Yes ()

1641 No ()."

1642 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
1643 is retained for the term of office provided by law.

1644 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
1645 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
1646 regular general election.

1647 (6) A justice or judge not retained is ineligible for appointment to the office for which
1648 the justice or judge was defeated until after the expiration of that term of office.

Legislative Review Note
as of 10-18-07 10:15 AM

Office of Legislative Research and General Counsel

S.B. 12 - Election Law Modifications

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
