

MILITARY AND OVERSEAS VOTING

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill amends and enacts provisions related to elections to provide for military and overseas voting.

Highlighted Provisions:

This bill:

- ▶ changes the period of time in which to file:
 - a declaration of candidacy; or
 - a certificate of nomination;
- ▶ changes the date of the municipal primary;
- ▶ changes the date by which:
 - a political party certifies a candidate for the primary ballot;
 - an ordinance may be adopted for exemption from a primary;
 - a candidate is certified for the ballot; and
 - a certified ballot title is submitted to an election officer;
- ▶ changes dates related to:
 - filling a midterm vacancy; and
 - nominating a State Board of Education member;
- ▶ enacts the Uniform Military and Overseas Voting Act;
- ▶ repeals provisions in Title 20A, Chapter 3, Part 4, Voting by Members of the Military and by Other Persons Living or Serving Abroad;
- ▶ designates an email address provided by, or a completed ballot transmitted by, a military or overseas voter as a private record; and

30 ▶ makes technical and conforming amendments.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill takes effect on January 1, 2012.

35 This bill coordinates with H.B. 33, Election Law Revisions, by providing substantive
36 amendments.

37 This bill coordinates with H.B. 230, Disability Amendments, by superseding technical
38 and substantive amendments.

39 **Utah Code Sections Affected:**

40 **AMENDS:**

41 **17B-1-306**, as last amended by Laws of Utah 2010, Chapter 197

42 **20A-1-201.5**, as last amended by Laws of Utah 2007, Chapters 256 and 329

43 **20A-1-503**, as last amended by Laws of Utah 2010, Chapter 165

44 **20A-1-508**, as last amended by Laws of Utah 2010, Chapter 197

45 **20A-1-509.1**, as last amended by Laws of Utah 2010, Chapter 197

46 **20A-2-102.5**, as last amended by Laws of Utah 2008, Chapter 225

47 **20A-3-308**, as last amended by Laws of Utah 2007, Chapter 75

48 **20A-5-409**, as last amended by Laws of Utah 2008, Chapter 225

49 **20A-6-103**, as last amended by Laws of Utah 2002, Chapter 133

50 **20A-6-106**, as enacted by Laws of Utah 2008, Chapters 9 and 315

51 **20A-7-103**, as last amended by Laws of Utah 2008, Chapters 225 and 315

52 **20A-9-202**, as last amended by Laws of Utah 2009, Chapter 119

53 **20A-9-203**, as last amended by Laws of Utah 2010, Chapter 197

54 **20A-9-403**, as last amended by Laws of Utah 2008, Chapter 225

55 **20A-9-404**, as last amended by Laws of Utah 2007, Chapter 256

56 **20A-9-503**, as last amended by Laws of Utah 2010, Chapter 197

57 **20A-9-701**, as last amended by Laws of Utah 2008, Chapter 225

58 **20A-12-201**, as last amended by Laws of Utah 2008, Chapters 93 and 225

59 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315

60 **63G-2-302**, as last amended by Laws of Utah 2010, Chapters 36 and 379

61 ENACTS:

62 **20A-16-101**, Utah Code Annotated 1953

63 **20A-16-102**, Utah Code Annotated 1953

64 **20A-16-103**, Utah Code Annotated 1953

65 **20A-16-201**, Utah Code Annotated 1953

66 **20A-16-301**, Utah Code Annotated 1953

67 **20A-16-302**, Utah Code Annotated 1953

68 **20A-16-401**, Utah Code Annotated 1953

69 **20A-16-402**, Utah Code Annotated 1953

70 **20A-16-403**, Utah Code Annotated 1953

71 **20A-16-404**, Utah Code Annotated 1953

72 **20A-16-405**, Utah Code Annotated 1953

73 **20A-16-408**, Utah Code Annotated 1953

74 **20A-16-409**, Utah Code Annotated 1953

75 **20A-16-410**, Utah Code Annotated 1953

76 **20A-16-501**, Utah Code Annotated 1953

77 **20A-16-502**, Utah Code Annotated 1953

78 **20A-16-503**, Utah Code Annotated 1953

79 **20A-16-504**, Utah Code Annotated 1953

80 **20A-16-505**, Utah Code Annotated 1953

81 **20A-16-506**, Utah Code Annotated 1953

82 RENUMBERS AND AMENDS:

83 **20A-16-202**, (Renumbered from 20A-3-413, as enacted by Laws of Utah 2003, Chapter

84 117)

85 **20A-16-406**, (Renumbered from 20A-3-409, as last amended by Laws of Utah 1995,

86 Chapter 340)

87 **20A-16-407**, (Renumbered from 20A-3-410, as last amended by Laws of Utah 2006,

88 Chapter 16)

89 REPEALS:

90 **20A-3-401**, as last amended by Laws of Utah 2006, Chapter 264

91 **20A-3-402**, as enacted by Laws of Utah 1993, Chapter 1

92 **20A-3-403**, as last amended by Laws of Utah 2006, Chapter 273

93 **20A-3-404**, as last amended by Laws of Utah 2008, Chapter 225

94 **20A-3-404.5**, as enacted by Laws of Utah 2001, Chapter 20

95 **20A-3-405**, as last amended by Laws of Utah 1993, Chapter 228

96 **20A-3-406**, as last amended by Laws of Utah 2010, Chapter 169

97 **20A-3-407**, as enacted by Laws of Utah 1993, Chapter 1

98 **20A-3-408**, as last amended by Laws of Utah 2002, Chapter 112

99 **20A-3-408.5**, as last amended by Laws of Utah 2009, Chapter 191

100 **20A-3-411**, as enacted by Laws of Utah 1993, Chapter 1

101 **20A-3-412**, as enacted by Laws of Utah 1993, Chapter 1

102 **Utah Code Sections Affected by Coordination Clause:**

103 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315

104 **20A-16-407**, (Renumbered from 20A-3-410, as last amended by Laws of Utah 2006,

105 Chapter 16)



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

108 Section 1. Section **17B-1-306** is amended to read:

109 **17B-1-306. Local district board -- Election procedures.**

110 (1) Except as provided in Subsection (11), each elected board member shall be selected
111 as provided in this section.

112 (2) (a) Each election of a local district board member shall be held:

113 (i) at the same time as the municipal general election; and

114 (ii) at polling places designated by the county clerk in consultation with the local
115 district for each county in which the local district is located, which polling places shall coincide
116 with municipal general election polling places whenever feasible.

117 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
118 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
119 polling place per division of the district, designated by the district board.

120 (ii) Each polling place designated by an irrigation district board under Subsection
121 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
122 (2)(a)(ii).

123 (3) (a) The clerk of each local district with a board member position to be filled at the
124 next municipal general election shall provide notice of:

125 (i) each elective position of the local district to be filled at the next municipal general
126 election;

127 (ii) the constitutional and statutory qualifications for each position; and

128 (iii) the dates and times for filing a declaration of candidacy.

129 (b) The notice required under Subsection (3)(a) shall be:

130 (i) posted in at least five public places within the local district at least 10 days before
131 the first day for filing a declaration of candidacy; or

132 (ii) (A) published in a newspaper of general circulation within the local district at least
133 three but no more than 10 days before the first day for filing a declaration of candidacy; and

134 (B) published, in accordance with Section 45-1-101, for 10 days before the first day for
135 filing a declaration of candidacy.

136 (4) (a) To become a candidate for an elective local district board position, the
137 prospective candidate shall file a declaration of candidacy in person with the local district,
138 during office hours and not later than the close of normal office hours between [~~July~~] June 1
139 and [~~July~~] June 15 of any odd-numbered year.

140 (b) When [~~July~~] June 15 is a Saturday, Sunday, or holiday, the filing time shall be
141 extended until the close of normal office hours on the following regular business day.

142 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
143 officer shall:

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

146 (B) require the candidate to state whether or not the candidate meets those
147 requirements.

148 (ii) If the prospective candidate does not meet the qualification requirements for the
149 office, the filing officer may not accept the declaration of candidacy.

150 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
151 the filing officer shall accept the declaration of candidacy.

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

153 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
154 _____, City of _____, County of _____, State of Utah,
155 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
156 for the office of board of trustees member for _____ (state the name of
157 the local district); that I am a candidate for that office to be voted upon at the next election, and
158 I hereby request that my name be printed upon the official ballot for that election.

159 (Signed) _____

160 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
161 of _____, _____.

162 (Signed) _____

163 (Clerk or Notary Public)"

164 (e) Each person wishing to become a valid write-in candidate for an elective local
165 district board position is governed by Section 20A-9-601.

166 (f) If at least one person does not file a declaration of candidacy as required by this
167 section, a person shall be appointed to fill that board position by following the procedures and
168 requirements for appointment established in Section 20A-1-512.

169 (g) If only one candidate files a declaration of candidacy and there is no write-in

170 candidate who complies with Section 20A-9-601, the board need not hold an election for that
171 position and may appoint the candidate to the board.

172 (5) (a) A primary election may be held if:

173 (i) the election is authorized by the local district board; and

174 (ii) the number of candidates for a particular local board position or office exceeds
175 twice the number of persons needed to fill that position or office.

176 (b) The primary election shall be conducted:

177 (i) on the same date as the municipal primary election, as provided for in Section
178 20A-1-201.5; and

179 (ii) according to the procedures for municipal primary elections provided under Title
180 20A, Election Code.

181 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
182 candidate names to the clerk of each county in which the local district is located no later than
183 [~~August~~] July 20 of the municipal election year.

184 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the
185 local district is located shall coordinate the placement of the name of each candidate for local
186 district office in the nonpartisan section of the municipal general election ballot with the
187 municipal election clerk.

188 (ii) If consolidation of the local district election ballot with the municipal general
189 election ballot is not feasible, the county clerk shall provide for a separate local district election
190 ballot to be administered by poll workers at polling locations designated under Subsection (2).

191 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
192 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

193 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
194 prescribe the form of the ballot for each board member election.

195 (B) Each ballot for an election of an irrigation district board member shall be in a
196 nonpartisan format.

197 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

198 (i) be a registered voter within the district, except for an election of:
 199 (A) an irrigation district board of trustees member; or
 200 (B) a basic local district board of trustees member who is elected by property owners;

201 and

202 (ii) meet the requirements to vote established by the district.
 203 (b) Each voter may vote for as many candidates as there are offices to be filled.
 204 (c) The candidates who receive the highest number of votes are elected.

205 (8) Except as otherwise provided by this section, the election of local district board
206 members is governed by Title 20A, Election Code.

207 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
208 beginning at noon on the January 1 after the person's election.

209 (b) A person elected shall be sworn in as soon as practical after January 1.

210 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
211 the county or municipality holding an election under this section for the costs of the election
212 attributable to that local district.

213 (b) Each irrigation district shall bear its own costs of each election it holds under this
214 section.

215 (11) This section does not apply to an improvement district that provides electric or gas
216 service.

217 (12) The provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an
218 election under this section.

219 Section 2. Section **20A-1-201.5** is amended to read:

220 **20A-1-201.5. Primary election dates.**

221 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
222 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
223 national, state, school board, and county offices.

224 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
225 following the first Monday in ~~September~~ August before the regular municipal election to

226 nominate persons for municipal offices.

227 (3) The Western States Presidential Primary election shall be held throughout the state
228 on the first Tuesday in February in the year in which a presidential election will be held.

229 Section 3. Section **20A-1-503** is amended to read:

230 **20A-1-503. Midterm vacancies in the Legislature.**

231 (1) As used in this section:

232 (a) "Filing deadline" means the final date for filing:

233 (i) a declaration of candidacy as provided in Section 20A-9-202; and

234 (ii) a certificate of nomination as provided in Section 20A-9-503.

235 (b) "Party liaison" means the political party officer designated to serve as a liaison with
236 the lieutenant governor on all matters relating to the political party's relationship with the state
237 as required by Section 20A-8-401.

238 (2) When a vacancy occurs for any reason in the office of representative in the
239 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
240 name was submitted by the party liaison of the same political party as the prior representative.

241 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
242 the office of senator in the Legislature, it shall be filled for the unexpired term at the next
243 regular general election.

244 (b) The governor shall fill the vacancy until the next regular general election by
245 immediately appointing the person whose name was submitted by the party liaison of the same
246 political party as the prior senator.

247 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
248 before [~~September 1~~] August 31 of an even-numbered year in which the term of office does not
249 expire, the lieutenant governor shall:

250 (i) establish a date, that is before the date for a candidate to be certified for the ballot
251 under Section 20A-9-701 and no later than 21 days after the day on which the vacancy
252 occurred, by which a person intending to obtain a position on the ballot for the vacant office
253 shall file:

- 254 (A) a declaration of candidacy; or
- 255 (B) a certificate of nomination; and
- 256 (ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):
- 257 (A) on the lieutenant governor's website; and
- 258 (B) to each registered political party.
- 259 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 260 (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or
- 261 certificate of nomination according to the procedures and requirements of Chapter 9, Candidate
- 262 Qualifications and Nominating Procedures; and
- 263 (ii) run in the regular general election if:
- 264 (A) nominated as a party candidate; or
- 265 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
- 266 Qualifications and Nominating Procedures.
- 267 (c) If a vacancy described in Subsection (3)(a) occurs on or after ~~[May 1]~~ the first
- 268 Monday after the third Saturday in April and before ~~[September 1]~~ August 31 of an
- 269 even-numbered year in which the term of office does not expire, a party liaison from each
- 270 registered political party may submit a name of a person described in Subsection (4)(b) to the
- 271 lieutenant governor by August ~~[31]~~ 30 for placement on the regular general election ballot.
- 272 (5) If a vacancy described in Subsection (3)(a) occurs on or after ~~[September 1]~~ August
- 273 31 of an even-numbered year in which a term does not expire, the governor shall fill the
- 274 vacancy for the unexpired term by immediately appointing the person whose name was
- 275 submitted by the party liaison of the same political party as the prior senator.

276 Section 4. Section **20A-1-508** is amended to read:

277 **20A-1-508. Midterm vacancies in county elected offices.**

278 (1) As used in this section:

- 279 (a) "County offices" includes the county executive, members of the county legislative
- 280 body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county
- 281 recorder, the county surveyor, and the county assessor.

282 (b) "County offices" does not mean the offices of president and vice president of the
283 United States, United States senators and representatives, members of the Utah Legislature,
284 state constitutional officers, county attorneys, district attorneys, and judges.

285 (2) (a) Until a replacement is selected as provided in this section and has qualified, the
286 county legislative body shall appoint an interim replacement to fill the vacant office by
287 following the procedures and requirements of this Subsection (2).

288 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
289 of the vacancy to the county central committee of the same political party of the prior office
290 holder and invite that committee to submit the names of three nominees to fill the vacancy.

291 (ii) That county central committee shall, within 30 days, submit the names of three
292 nominees for the interim replacement to the county legislative body.

293 (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint
294 one of those nominees to serve out the unexpired term.

295 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
296 vacancy within 45 days, the county clerk shall send to the governor a letter that:

297 (A) informs the governor that the county legislative body has failed to appoint a
298 replacement within the statutory time period; and

299 (B) contains the list of nominees submitted by the party central committee.

300 (ii) The governor shall appoint an interim replacement from that list of nominees to fill
301 the vacancy within 30 days after receipt of the letter.

302 (d) A person appointed as interim replacement under this Subsection (2) shall hold
303 office until their successor is elected and has qualified.

304 (3) (a) The requirements of this Subsection (3) apply to all county offices that become
305 vacant if:

306 (i) the vacant office has an unexpired term of two years or more; and

307 (ii) the vacancy occurs after the election at which the person was elected but before
308 April 10 of the next even-numbered year.

309 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk

310 shall notify the public and each registered political party that the vacancy exists.

311 (ii) All persons intending to become candidates for the vacant office shall:

312 (A) file a declaration of candidacy according to the procedures and requirements of
313 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

314 (B) if nominated as a party candidate or qualified as an independent or write-in
315 candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general
316 election.

317 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
318 vacant if:

319 (i) the vacant office has an unexpired term of two years or more; and

320 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than [50]
321 75 days before the regular primary election.

322 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
323 shall notify the public and each registered political party that:

324 (A) the vacancy exists; and

325 (B) identifies the date and time by which a person interested in becoming a candidate
326 must file a declaration of candidacy.

327 (ii) All persons intending to become candidates for the vacant offices shall, within five
328 days after the date that the notice is made, ending at the close of normal office hours on the
329 fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2,
330 Candidate Qualifications and Declarations of Candidacy.

331 (iii) The county central committee of each party shall:

332 (A) select a candidate or candidates from among those qualified candidates who have
333 filed declarations of candidacy; and

334 (B) certify the name of the candidate or candidates to the county clerk at least [35] 60
335 days before the regular primary election.

336 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
337 vacant:

338 (i) if the vacant office has an unexpired term of two years or more; and
339 (ii) when ~~50~~ 75 days or less remain before the regular primary election but more than
340 ~~50~~ 65 days remain before the regular general election.

341 (b) When the conditions established in Subsection (5)(a) are met, the county central
342 committees of each political party registered under this title that wishes to submit a candidate
343 for the office shall summarily certify the name of one candidate to the county clerk for
344 placement on the regular general election ballot.

345 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
346 vacant:

347 (i) if the vacant office has an unexpired term of less than two years; or
348 (ii) if the vacant office has an unexpired term of two years or more but ~~50~~ 65 days or
349 less remain before the next regular general election.

350 (b) (i) When the conditions established in Subsection (6)(a) are met, the county
351 legislative body shall give notice of the vacancy to the county central committee of the same
352 political party as the prior office holder and invite that committee to submit the names of three
353 nominees to fill the vacancy.

354 (ii) That county central committee shall, within 30 days, submit the names of three
355 nominees to fill the vacancy to the county legislative body.

356 (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint
357 one of those nominees to serve out the unexpired term.

358 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy within
359 45 days, the county clerk shall send to the governor a letter that:

360 (A) informs the governor that the county legislative body has failed to appoint a person
361 to fill the vacancy within the statutory time period; and

362 (B) contains the list of nominees submitted by the party central committee.

363 (ii) The governor shall appoint a person to fill the vacancy from that list of nominees to
364 fill the vacancy within 30 days after receipt of the letter.

365 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office

366 until their successor is elected and has qualified.

367 (7) Except as otherwise provided by law, the county legislative body may appoint
368 replacements to fill all vacancies that occur in those offices filled by appointment of the county
369 legislative body.

370 (8) Nothing in this section prevents or prohibits independent candidates from filing a
371 declaration of candidacy for the office within the same time limits.

372 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a
373 county office shall serve for the remainder of the unexpired term of the person who created the
374 vacancy and until a successor is elected and qualified.

375 (b) Nothing in this section may be construed to contradict or alter the provisions of
376 Section 17-16-6.

377 Section 5. Section **20A-1-509.1** is amended to read:

378 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
379 **or more attorneys.**

380 (1) When a vacancy occurs in the office of county or district attorney in a county or
381 district having 15 or more attorneys who are licensed active members in good standing with the
382 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

383 (2) (a) The requirements of this Subsection (2) apply when the office of county
384 attorney or district attorney becomes vacant and:

385 (i) the vacant office has an unexpired term of two years or more; and

386 (ii) the vacancy occurs before the third ~~Friday~~ Thursday in March of the
387 even-numbered year.

388 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
389 notify the public and each registered political party that the vacancy exists.

390 (c) All persons intending to become candidates for the vacant office shall:

391 (i) file a declaration of candidacy according to the procedures and requirements of
392 ~~[Title 20A,]~~ Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

393 (ii) if nominated as a party candidate or qualified as an independent or write-in

394 candidate under [~~Title 20A;~~] Chapter 9, Candidate Qualifications and Nominating Procedures,
395 run in the regular general election; and

396 (iii) if elected, complete the unexpired term of the person who created the vacancy.

397 (d) If the vacancy occurs after the second Friday in March and before the third [~~Friday~~]
398 Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202
399 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b),
400 but no later than the fourth [~~Friday~~] Thursday in March.

401 (3) (a) The requirements of this Subsection (3) apply when the office of county
402 attorney or district attorney becomes vacant and:

403 (i) the vacant office has an unexpired term of two years or more; and

404 (ii) the vacancy occurs after the third [~~Friday~~] Thursday in March of the
405 even-numbered year but more than [~~50~~] 75 days before the regular primary election.

406 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
407 shall:

408 (i) notify the public and each registered political party that the vacancy exists; and

409 (ii) identify the date and time by which a person interested in becoming a candidate
410 must file a declaration of candidacy.

411 (c) All persons intending to become candidates for the vacant office shall:

412 (i) within five days after the date that the notice is made, ending at [~~at~~] the close of
413 normal office hours on the fifth day, file a declaration of candidacy for the vacant office as
414 required by [~~Title 20A;~~] Chapter 9, Part 2, Candidate Qualifications and [~~Nominating~~
415 Procedures] Declaration of Candidacy; and

416 (ii) if elected, complete the unexpired term of the person who created the vacancy.

417 (d) The county central committee of each party shall:

418 (i) select a candidate or candidates from among those qualified candidates who have
419 filed declarations of candidacy; and

420 (ii) certify the name of the candidate or candidates to the county clerk at least [~~35~~] 60
421 days before the regular primary election.

422 (4) (a) The requirements of this Subsection (4) apply when the office of county
423 attorney or district attorney becomes vacant and:

424 (i) the vacant office has an unexpired term of two years or more; and

425 (ii) ~~[50]~~ 75 days or less remain before the regular primary election but more than ~~[50]~~
426 65 days remain before the regular general election.

427 (b) When the conditions established in Subsection (4)(a) are met, the county central
428 committees of each registered political party that wish to submit a candidate for the office shall
429 summarily certify the name of one candidate to the county clerk for placement on the regular
430 general election ballot.

431 (c) The candidate elected shall complete the unexpired term of the person who created
432 the vacancy.

433 (5) (a) The requirements of this Subsection (5) apply when the office of county
434 attorney or district attorney becomes vacant and:

435 (i) the vacant office has an unexpired term of less than two years; or

436 (ii) the vacant office has an unexpired term of two years or more but ~~[50]~~ 65 days or
437 less remain before the next regular general election.

438 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
439 body shall give notice of the vacancy to the county central committee of the same political
440 party of the prior officeholder and invite that committee to submit the names of three nominees
441 to fill the vacancy.

442 (c) That county central committee shall, within 30 days of receiving notice from the
443 county legislative body, submit to the county legislative body the names of three nominees to
444 fill the vacancy.

445 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
446 one of those nominees to serve out the unexpired term.

447 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
448 days, the county clerk shall send to the governor a letter that:

449 (i) informs the governor that the county legislative body has failed to appoint a person

450 to fill the vacancy within the statutory time period; and

451 (ii) contains the list of nominees submitted by the party central committee.

452 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
453 within 30 days after receipt of the letter.

454 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the
455 unexpired term of the person who created the vacancy.

456 (6) Nothing in this section prevents or prohibits independent candidates from filing a
457 declaration of candidacy for the office within the required time limits.

458 Section 6. Section **20A-2-102.5** is amended to read:

459 **20A-2-102.5. Voter registration deadline.**

460 (1) Except as provided in Section 20A-2-201 [~~and in Title 20A, Chapter 3, Part 4,~~
461 ~~Voting by Members of the Military and by Other Persons Living or Serving Abroad]~~ and
462 Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to submit a
463 correctly completed voter registration form on or before the voter registration deadline shall not
464 be permitted to vote in the election.

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

467 Section 7. Section **20A-3-308** is amended to read:

468 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition.**

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

472 (b) The poll workers shall:

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

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

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

478 (i) the affidavit is sufficient;
479 (ii) the signatures correspond; and
480 (iii) the applicant is registered to vote in that voting precinct and has not voted in that
481 election.

482 (b) If, after opening the absentee voter envelope, the poll worker finds that a
483 provisional ballot envelope is enclosed, the poll worker shall:

484 (i) record, in the official register, whether [~~or not~~]:

485 (A) the voter included valid voter identification; or

486 (B) a covered voter, as defined in Section 20A-16-102, did not provide valid voter
487 identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;

488 (ii) if any type of identification was included, record the type of identification provided
489 by the voter in the appropriate space in the official register;

490 (iii) record the provisional ballot number on the official register; and

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

493 (c) If the absentee ballot is not a provisional ballot, the poll workers shall:

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

496 (ii) initial the stub in the same manner as for other ballots;

497 (iii) remove the stub from the ballot;

498 (iv) deposit the ballot in the ballot box; and

499 (v) mark the official register and pollbook to show that the voter has voted.

500 (3) If the poll workers determine that the affidavit is insufficient, or that the signatures
501 do not correspond, or that the applicant is not a registered voter in the voting precinct, they
502 shall:

503 (a) disallow the vote; and

504 (b) without opening the absentee voter envelope, mark across the face of the envelope:

505 (i) "Rejected as defective"; or

506 (ii) "Rejected as not a registered voter."

507 (4) The poll workers shall deposit the absentee voter envelope, when the absentee
508 ballot is voted, and the absentee voter envelope with its contents unopened when the absent
509 vote is rejected, in the ballot box containing the ballots.

510 (5) The election officer shall retain and preserve the absentee voter envelopes in the
511 manner provided by law for the retention and preservation of official ballots voted at that
512 election.

513 Section 8. Section **20A-5-409** is amended to read:

514 **20A-5-409. Certification of candidates to county clerks.**

515 No later than [~~September 8~~] August 31 of each regular general election year, the
516 lieutenant governor shall certify to each county clerk the name of each candidate qualified to be
517 printed on the regular general election ballot for that county clerk's county.

518 Section 9. Section **20A-6-103** is amended to read:

519 **20A-6-103. Internet voting pilot project.**

520 Notwithstanding any other provisions of this title, any county may, if selected by the
521 Department of Defense, participate in the Federal Voting Assistance Program pilot project to
522 allow [~~military and voters overseas as defined by Section 20A-3-403~~] a covered voter as
523 defined in Section 20A-16-102 to register to vote and cast their votes electronically.

524 Section 10. Section **20A-6-106** is amended to read:

525 **20A-6-106. Deadline for submission of ballot titles.**

526 Unless otherwise specifically provided for by statute, the certified ballot title of each
527 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer no
528 later than [~~60~~] 65 days before the date of the election at which the matter will be submitted to
529 the voters.

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

531 **20A-7-103. Constitutional amendments and other questions submitted by the**
532 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

533 (1) The procedures contained in this section govern when the Legislature submits a

534 proposed constitutional amendment or other question to the voters.

535 (2) In addition to the publication in the voter information pamphlet required by Section
536 20A-7-702, the lieutenant governor shall, not more than 60 days or less than 14 days before the
537 date of the election, publish the full text of the amendment, question, or statute in at least one
538 newspaper in every county of the state where a newspaper is published.

539 (3) The legislative general counsel shall:

540 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___"
541 and assign it a letter according to the requirements of Section 20A-6-107;

542 (b) entitle each proposed question "Proposition Number ___" with the number assigned
543 to the proposition under Section 20A-6-107 placed in the blank;

544 (c) draft and designate a ballot title for each proposed amendment or question
545 submitted by the Legislature that summarizes the subject matter of the amendment or question;
546 and

547 (d) deliver each number and title to the lieutenant governor.

548 (4) The lieutenant governor shall certify the number and ballot title of each amendment
549 or question to the county clerk of each county no later than [50] 65 days before the date of the
550 election.

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

552 (a) ensure that both the number and title of each amendment and question is printed on
553 the sample ballots and official ballots; and

554 (b) publish them as provided by law.

555 Section 12. Section **20A-9-202** is amended to read:

556 **20A-9-202. Declarations of candidacy for regular general elections --**
557 **Requirements for candidates.**

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

560 (i) file a declaration of candidacy in person with the county clerk on or after the second
561 Friday in March and before 5 p.m. on the third ~~Friday~~ Thursday in March before the next

562 regular general election; and

563 (ii) pay the filing fee.

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

566 (i) file a declaration of candidacy in person with either the lieutenant governor or the
567 county clerk in the candidate's county of residence on or after the second Friday in March and
568 before 5 p.m. on the third [~~Friday~~] Thursday in March before the next regular general election;
569 and

570 (ii) pay the filing fee.

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

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

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

578 (i) file a declaration of candidacy in person with the lieutenant governor on or after the
579 second Friday in March and before 5 p.m. on the third [~~Friday~~] Thursday in March before the
580 next regular general election; and

581 (ii) pay the filing fee.

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

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

588 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
589 creating the prosecution district on or after the second Friday in March and before 5 p.m. on the

590 third [~~Friday~~] Thursday in March before the next regular general election; and

591 (ii) pay the filing fee.

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

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

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

598 (ii) pay the filing fee.

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

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

603 (4) Each registered political party shall:

604 (a) certify the names of its candidates for President and Vice President of the United
605 States to the lieutenant governor no later than [~~September 8~~] August 31; or

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

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

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

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

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

616 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
617 problem by amending the declaration or petition within three days after the objection is

618 sustained or by filing a new declaration within three days after the objection is sustained.

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

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

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

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

626 Section 13. Section **20A-9-203** is amended to read:

627 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

628 (1) (a) (i) A person may become a candidate for any municipal office if:

629 (A) the person is a registered voter; and

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

633 (II) if the territory in which the person resides was annexed into the municipality, the
634 person has resided within the annexed territory or the municipality the 12 consecutive months
635 immediately before the date of the election.

636 (ii) For purposes of determining whether a person meets the residency requirement of
637 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
638 the election, the municipality shall be considered to have been incorporated 12 months before
639 the date of the election.

640 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal
641 council position shall, if elected from a district, be a resident of the council district from which
642 elected.

643 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
644 incompetent person, any person convicted of a felony, or any person convicted of treason or a
645 crime against the elective franchise may not hold office in this state until the right to hold

646 elective office is restored under Section 20A-2-101.5.

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

649 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
650 office hours and not later than the close of normal office hours, between [~~July~~] June 1 and
651 [~~July~~] June 15 of any odd-numbered year; and

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

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

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

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

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

667 (i) filing a nomination petition with the city recorder or town clerk during office hours,
668 but not later than the close of normal office hours, between [~~July~~] June 1 and [~~July~~] June 15 of
669 any odd-numbered year; and

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

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

673 (i) read to the prospective candidate or person filing the petition the constitutional and

674 statutory qualification requirements for the office that the candidate is seeking; and

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

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

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

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

683 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
684 for the office the candidate is seeking and inform the candidate that failure to comply will
685 result in disqualification as a candidate and removal of the candidate's name from the ballot;

686 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
687 Electronic Voter Information Website Program and inform the candidate of the submission
688 deadline under Subsection 20A-7-801(4)(a);

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

691 (A) signing the pledge is voluntary; and

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

693 (v) accept the declaration of candidacy or nomination petition.

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

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

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

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

701 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,

702 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
 703 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
 704 the legal qualifications required of candidates for this office. I will file all campaign financial
 705 disclosure reports as required by law and I understand that failure to do so will result in my
 706 disqualification as a candidate for this office and removal of my name from the ballot. I
 707 request that my name be printed upon the applicable official ballots. (Signed)

708 _____

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

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

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

- 716 (i) 25 residents of the municipality who are at least 18 years old; or
- 717 (ii) 20% of the residents of the municipality who are at least 18 years old.
- 718 (b) (i) The petition shall substantially conform to the following form:

719 "NOMINATION PETITION

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

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

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

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

731 "NOMINATION PETITION

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

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

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

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

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

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

746 (a) cause the names of the candidates as they will appear on the ballot to be published:

747 (i) in at least two successive publications of a newspaper with general circulation in the
748 municipality; and

749 (ii) as required in Section 45-1-101; and

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

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

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

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

758 (i) mail or personally deliver notice of the objection to the affected candidate
759 immediately; and
760 (ii) decide any objection within 48 hours after it is filed.
761 (c) If the clerk sustains the objection, the candidate may correct the problem by
762 amending the declaration or petition within three days after the objection is sustained or by
763 filing a new declaration within three days after the objection is sustained.

764 (d) (i) The clerk's decision upon objections to form is final.
765 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
766 prompt application is made to the district court.

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

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

772 Section 14. Section **20A-9-403** is amended to read:

773 **20A-9-403. Regular primary elections.**

774 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
775 primary election day.

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

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

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

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

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

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

788 (i) certify the name and office of all of the registered political party's candidates to the
789 lieutenant governor no later than 5 p.m. ~~on May 13~~ on the first Monday after the third
790 Saturday in April of each even-numbered year; and

791 (ii) certify the name and office of each of its county candidates to the county clerks by
792 5 p.m. on ~~May 13~~ the first Monday after the third Saturday in April of each even-numbered
793 year.

794 (c) By 5 p.m. on ~~May 16~~ the first Wednesday after the third Saturday in April of each
795 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
796 names of all statewide or multicounty candidates that must be printed on the primary ballot.

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

801 (ii) A registered political party's candidates for President and Vice-President of the
802 United States shall be certified to the lieutenant governor as provided in Subsection
803 20A-9-202(4).

804 (e) Each political party shall certify the names of its presidential and vice-presidential
805 candidates and presidential electors to the lieutenant governor's office no later than ~~September~~
806 ~~8~~ August 31 of each presidential election year.

807 (3) The county clerk shall:

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

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

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

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

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

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

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

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

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

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

838 Section 15. Section **20A-9-404** is amended to read:

839 **20A-9-404. Municipal primary elections.**

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

842 (b) Municipal primary elections shall be held:
843 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
844 Monday in the [~~September~~] August before the regular municipal election; and
845 (ii) whenever possible, at the same polling places as the regular municipal election.
846 (2) If the number of candidates for a particular municipal office does not exceed twice
847 the number of persons needed to fill that office, a primary election for that office may not be
848 held and the candidates are considered nominated.
849 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
850 of voters or delegates.
851 (b) (i) By ordinance adopted before the [~~June~~] May 1 that falls before a regular
852 municipal election, any third, fourth, or fifth class city or town may exempt itself from a
853 primary election by providing that the nomination of candidates for municipal office to be
854 voted upon at a municipal election be nominated by a political party convention or committee.
855 (ii) Any primary election exemption ordinance adopted under the authority of this
856 subsection remains in effect until repealed by ordinance.
857 (c) (i) A convention or committee may not nominate more than one group of
858 candidates or have placed on the ballot more than one group of candidates for the municipal
859 offices to be voted upon at the municipal election.
860 (ii) A convention or committee may nominate a person who has been nominated by a
861 different convention or committee.
862 (iii) A political party may not have more than one group of candidates placed upon the
863 ballot and may not group the same candidates on different tickets by the same party under a
864 different name or emblem.
865 (d) (i) The convention or committee shall prepare a certificate of nomination for each
866 person nominated.
867 (ii) The certificate of nomination shall:
868 (A) contain the name of the office for which each person is nominated, the name, post
869 office address, and, if in a city, the street number of residence and place of business, if any, of

870 each person nominated;

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

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

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

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

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

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

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

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

890 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the [~~June~~]
891 May 1 that falls before the regular municipal election that:

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

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

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

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

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

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

905 (C) is substantially similar to the form of the signature sheets described in Section
906 20A-7-303; and

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

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

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

914 (d) The clerk shall ensure that:

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

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

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

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

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

926 (e) After marking a municipal primary ballot, the voter shall:
927 (i) detach the part of the ballot containing the names of the candidates of the party he
928 has voted from the rest of the ballot;

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

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

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

935 Section 16. Section **20A-9-503** is amended to read:

936 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

937 (1) After the certificate of nomination has been certified, executed, and acknowledged
938 by the county clerk, the candidate shall:

939 (a) between the second Friday in March and the close of normal office hours on the
940 third [~~Friday~~] Thursday in March of the year in which the regular general election will be held,
941 file the petition in person with:

942 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
943 a federal office; or

944 (ii) the county clerk, if the office the candidate seeks is a county office; and

945 (iii) pay the filing fee; or

946 (b) not later than the close of normal office hours on [~~July~~] June 15 of any
947 odd-numbered year, file the petition in person with:

948 (i) the municipal clerk, if the candidate seeks an office in a city or town;

949 (ii) the local district clerk, if the candidate seeks an office in a local district; and

950 (iii) pay the filing fee.

951 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
952 read the constitutional and statutory requirements for candidacy to the candidate.

953 (b) If the candidate states that he does not meet the requirements, the filing officer may

954 not accept the petition.

955 (3) (a) Persons filing a certificate of nomination for President of the United States
956 under this section shall pay a filing fee of \$500.

957 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
958 President or Vice President of the United States:

959 (i) may file the certificate of nomination between the second Friday in March and the
960 close of normal office hours on August 15 of the year in which the regular general election will
961 be held; and

962 (ii) may use a designated agent to file the certificate of nomination.

963 Section 17. Section **20A-9-701** is amended to read:

964 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

965 (1) No later than [~~September 8~~] August 31 of each regular general election year, the
966 lieutenant governor shall certify to each county clerk the names of each candidate, including
967 candidates for president and vice president, certified by each registered political party as that
968 party's nominees for offices to be voted upon at the regular general election in that county
969 clerk's county.

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

972 Section 18. Section **20A-12-201** is amended to read:

973 **20A-12-201. Judicial appointees -- Retention elections.**

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

976 (b) After the first retention election:

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

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

981 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in

982 the year the justice or judge is subject to a retention election:

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

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

986 (b) Each justice court judge who wishes to retain office shall, in the year the justice
987 court judge is subject to a retention election:

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

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

991 (3) (a) The lieutenant governor shall, no later than [~~September 8~~] August 31 of each
992 regular general election year:

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

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

999 (b) Each county clerk shall place the names of justices and judges standing for
1000 retention election in the nonpartisan section of the ballot.

1001 (4) At the general election, the ballots shall contain, as to each justice or judge of any
1002 court to be voted on in the county, the following question:

1003 "Shall _____(name of justice or judge) be retained in the
1004 office of _____?[" (name of office, such as "Justice of the Supreme
1005 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
1006 Third Judicial District[;]"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";
1007 "Justice Court Judge of (name of county) County or (name of municipality)"

1008 Yes ()

1009 No ()."

1010 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
1011 is retained for the term of office provided by law.

1012 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
1013 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
1014 regular general election.

1015 (6) A justice or judge not retained is ineligible for appointment to the office for which
1016 the justice or judge was defeated until after the expiration of that term of office.

1017 Section 19. Section **20A-14-105** is amended to read:

1018 **20A-14-105. Becoming a candidate for membership on the State Board of**
1019 **Education -- Selection of candidates by the governor -- Ballot placement.**

1020 (1) By August 1 of each regular general election year, the governor shall:

1021 (a) for each state board district subject to election in that year, select two candidates for
1022 the State Board of Education from the lists submitted by the state board district nominating and
1023 recruiting committee; and

1024 (b) certify the names of the two candidates from each school board district to the
1025 lieutenant governor.

1026 (2) If the governor fails to select two candidates for a state board district by
1027 [~~September~~] August 1, the nominating and recruiting committee shall:

1028 (a) select the two candidates; and

1029 (b) notify the lieutenant governor of its selections by [~~September 15~~] August 31.

1030 (3) The lieutenant governor shall:

1031 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

1032 (b) certify the names and order of the names to the county clerks for placement on the
1033 nonpartisan section of the ballot.

1034 Section 20. Section **20A-16-101** is enacted to read:

1035 **CHAPTER 16. UNIFORM MILITARY AND OVERSEAS VOTERS ACT**

1036 **Part 1. General Provisions**

1037 **20A-16-101. Title.**

1038 This chapter is known as, "Uniform Military and Overseas Voters Act."
1039 Section 21. Section **20A-16-102** is enacted to read:
1040 **20A-16-102. Definitions.**
1041 As used in this chapter:
1042 (1) "Covered voter" means:
1043 (a) a uniformed-service voter or an overseas voter who is registered to vote in the state;
1044 or
1045 (b) a uniformed-service voter whose voting residence is in the state and who otherwise
1046 satisfies the state's voter eligibility requirements.
1047 (2) "Dependent" means an individual recognized as a dependent by a uniformed
1048 service.
1049 (3) "Federal postcard application" means the application prescribed under the
1050 Uniformed and Overseas Citizens Absentee Voting Act, Sec. 101(b)(2), 42 U.S.C. Sec.
1051 1973ff(b)(2).
1052 (4) "Federal write-in absentee ballot" means the ballot described in the Uniformed and
1053 Overseas Citizens Absentee Voting Act, Sec. 103, 42 U.S.C. Sec. 1973ff-2.
1054 (5) "Military-overseas ballot" means:
1055 (a) a federal write-in absentee ballot;
1056 (b) a ballot specifically prepared or distributed for use by a covered voter in accordance
1057 with this chapter; or
1058 (c) a ballot cast by a covered voter in accordance with this chapter.
1059 (6) "Overseas voter" means a United States citizen who is outside the United States.
1060 (7) "State" means a state of the United States, the District of Columbia, Puerto Rico,
1061 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
1062 of the United States.
1063 (8) "Uniformed service" means:
1064 (a) active and reserve components of the Army, Navy, Air Force, Marine Corps, or
1065 Coast Guard of the United States;

1066 (b) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1067 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1068 States; or

1069 (c) the National Guard.

1070 (9) "Uniformed-service voter" means an individual who is qualified to vote and is:

1071 (a) a member of the active or reserve components of the Army, Navy, Air Force,
1072 Marine Corps, or Coast Guard of the United States who is on active duty;

1073 (b) a member of the Merchant Marine, the commissioned corps of the Public Health
1074 Service, or the commissioned corps of the National Oceanic and Atmospheric Administration
1075 of the United States;

1076 (c) a member on activated status of the National Guard; or

1077 (d) a spouse or dependent of a member referred to in Subsections (9)(a) through (c).

1078 (10) "United States" means the several states, the District of Columbia, Puerto Rico,
1079 the United States Virgin Islands, and any territory or insular possession subject to the
1080 jurisdiction of the United States.

1081 Section 22. Section **20A-16-103** is enacted to read:

1082 **20A-16-103. Application to elections.**

1083 The voting procedures in this chapter apply to an election authorized by this title.

1084 Section 23. Section **20A-16-201** is enacted to read:

1085 **Part 2. Administration of Military and Overseas Voting**

1086 **20A-16-201. Duties of lieutenant governor.**

1087 The lieutenant governor shall:

1088 (1) implement this chapter and the state's responsibilities under the Uniformed and
1089 Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff et seq.;

1090 (2) make available to covered voters information regarding voter registration
1091 procedures for covered voters and procedures for casting military-overseas ballots;

1092 (3) establish an electronic transmission system through which a covered voter may
1093 apply for and receive voter registration materials, military-overseas ballots, and other

1094 information under this chapter;

1095 (4) (a) develop standardized absentee-voting materials, including privacy and
1096 transmission envelopes and electronic equivalents of the envelopes, authentication materials,
1097 and voting instructions, to be used with the military-overseas ballot of a voter authorized to
1098 vote in any jurisdiction in the state; and

1099 (b) to the extent reasonably possible, coordinate with other states on the development
1100 required by Subsection (4)(a); and

1101 (5) prescribe the form and content of a declaration:

1102 (a) for use by a covered voter to swear or affirm specific representations pertaining to
1103 the voter's identity, eligibility to vote, status as a covered voter, and timely and proper
1104 completion of an overseas-military ballot;

1105 (b) that is based on the declaration prescribed to accompany a federal write-in absentee
1106 ballot, as modified to be consistent with this chapter; and

1107 (c) that is a prominent part of all balloting materials for which the declaration is
1108 required, including an indication of the date of execution of the declaration.

1109 Section 24. Section **20A-16-202**, which is renumbered from Section 20A-3-413 is
1110 renumbered and amended to read:

1111 ~~[20A-3-413].~~ **20A-16-202. Report on absentee ballots.**

1112 (1) Not later than 60 days after each regular general election, each county clerk shall
1113 submit a report to the lieutenant governor indicating:

1114 (a) the number of ballots sent to [~~military and overseas citizen~~] covered voters; and

1115 (b) the number of ballots returned by [~~military and overseas citizen~~] covered voters that
1116 were counted.

1117 (2) Not later than 90 days after each regular general election, the lieutenant governor
1118 shall submit a statewide report to the Election Assistance Commission that includes the
1119 information required by Subsection (1).

1120 Section 25. Section **20A-16-301** is enacted to read:

1121 **Part 3. Voter Registration**

1122 **20A-16-301. Overseas voter's registration address.**

1123 In registering to vote, an overseas voter who is eligible to vote in the state shall:

1124 (1) use and be assigned to the voting precinct of the address of the last place of
1125 residence of the voter in the state; or

1126 (2) if the address described in Subsection (1) is no longer a recognized residential
1127 address, be assigned an address for voting purposes.

1128 Section 26. Section **20A-16-302** is enacted to read:

1129 **20A-16-302. Methods of registering to vote.**

1130 (1) To apply to register to vote, in addition to any other approved method, a covered
1131 voter may use a federal postcard application or the application's electronic equivalent.

1132 (2) (a) A covered voter may use the declaration accompanying a federal write-in
1133 absentee ballot to apply to register to vote simultaneously with the submission of the federal
1134 write-in absentee ballot, if the declaration is received by the Friday immediately before the
1135 election.

1136 (b) If the declaration is received after the Friday immediately before the election, the
1137 declaration shall be treated as an application to register to vote for subsequent elections.

1138 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
1139 described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard
1140 application and any other approved electronic registration application sent to the appropriate
1141 election official.

1142 (b) The voter may use the electronic transmission system or any other approved
1143 method to register to vote.

1144 Section 27. Section **20A-16-401** is enacted to read:

1145 **Part 4. Voting and Ballots**

1146 **20A-16-401. Methods of applying for military-overseas ballots.**

1147 (1) A covered voter who is registered to vote in the state may apply for a
1148 military-overseas ballot using:

1149 (a) an absentee ballot application under Section 20A-3-304; or

1150 (b) (i) the federal postcard application; or

1151 (ii) the federal postcard application's electronic equivalent.

1152 (2) A covered voter who is not registered to vote in this state may use a federal
1153 postcard application or the federal postcard application's electronic equivalent to apply
1154 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

1155 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
1156 described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal
1157 postcard application and any other approved electronic military-overseas ballot application sent
1158 to the appropriate election official.

1159 (b) The voter may use the electronic transmission system or any other approved
1160 method to apply for a military-overseas ballot.

1161 (4) A covered voter may use the declaration accompanying a federal write-in absentee
1162 ballot as an application for a military-overseas ballot simultaneously with the submission of the
1163 federal write-in absentee ballot, if the declaration is received by the appropriate election official
1164 by the Friday immediately before the election.

1165 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
1166 election official that the voter is a covered voter by:

1167 (a) the use of a federal postcard application or federal write-in absentee ballot;

1168 (b) the use of an overseas address on an approved voter registration application or
1169 ballot application; or

1170 (c) the inclusion on an approved voter registration application or ballot application of
1171 other information sufficient to identify the voter as a covered voter.

1172 (6) This chapter does not preclude a covered voter from voting under Chapter 3, Part 3,
1173 Absentee Voting.

1174 Section 28. Section **20A-16-402** is enacted to read:

1175 **20A-16-402. Timeliness and scope of application for military-overseas ballot.**

1176 (1) An application for a military-overseas ballot is timely if received by the Friday
1177 immediately before the election.

1178 (2) An application for a military-overseas ballot for a regular primary election or
1179 municipal primary election, whether or not timely, is effective as an application for a
1180 military-overseas ballot for the regular general election or municipal general election.

1181 Section 29. Section **20A-16-403** is enacted to read:

1182 **20A-16-403. Transmission of unvoted ballots.**

1183 (1) For an election for which the state has not received a waiver pursuant to the
1184 Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later
1185 than 45 days before the election or, notwithstanding Section 20A-1-401, if the 45th day before
1186 the election is a weekend or holiday, not later than the business day preceding the 45th day, the
1187 election official in each jurisdiction charged with distributing a ballot and balloting materials
1188 shall transmit a ballot and balloting materials to all covered voters who by that date submit a
1189 valid military-overseas ballot application.

1190 (2) (a) A covered voter who requests that a ballot and balloting materials be sent to the
1191 voter by electronic transmission may choose:

1192 (i) facsimile transmission;

1193 (ii) email delivery; or

1194 (iii) if offered by the voter's jurisdiction, Internet delivery.

1195 (b) The election official in each jurisdiction charged with distributing a ballot and
1196 balloting materials shall transmit the ballot and balloting materials to the voter using the means
1197 of transmission chosen by the voter.

1198 (3) If a ballot application from a covered voter arrives after the jurisdiction begins
1199 transmitting ballots and balloting materials to voters, the official charged with distributing a
1200 ballot and balloting materials shall transmit them to the voter not later than two business days
1201 after the application arrives.

1202 Section 30. Section **20A-16-404** is enacted to read:

1203 **20A-16-404. Timely casting of ballot.**

1204 To be valid, a military-overseas ballot shall be:

1205 (1) received by the appropriate election officer not later than the close of the polls; or

1206 (2) submitted for mailing, electronic transmission, or other authorized means of
1207 delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date
1208 of the election.

1209 Section 31. Section **20A-16-405** is enacted to read:

1210 **20A-16-405. Federal write-in absentee ballot.**

1211 A covered voter may use a federal write-in absentee ballot to vote for all offices and
1212 ballot propositions in an election.

1213 Section 32. Section **20A-16-406**, which is renumbered from Section 20A-3-409 is
1214 renumbered and amended to read:

1215 ~~[20A-3-409].~~ **20A-16-406. Disposition of ballot by county clerk.**

1216 (1) Upon receipt by the county clerk of the envelope containing ~~[the]~~ a
1217 military-overseas ballot, the county clerk shall:

1218 (a) enclose the unopened envelope containing the ballot and the written application of
1219 the ~~[military or overseas citizen]~~ covered voter in a larger envelope;

1220 (b) securely seal and endorse it with:

1221 (i) the name or number of the proper voting precinct;

1222 (ii) the name and official title of the clerk;

1223 (iii) the words: "This envelope contains an absentee voter's official Utah election ballot
1224 to be voted at ____ (Insert Name and Number) precinct, in ____ (Insert Name) county, and
1225 may be opened on election day at the polls while the polls are open."; and

1226 (c) safely keep the envelope in ~~[his]~~ the county clerk's office until ~~[it]~~ the envelope is
1227 delivered by ~~[him]~~ the county clerk to the proper election judges.

1228 (2) (a) When reasonably possible, the county clerk shall deliver or mail all ~~[military or~~
1229 ~~overseas citizen]~~ military-overseas voter ballot envelopes to the appropriate voting precinct
1230 election judges so that ~~[they]~~ the ballots may be processed on election day.

1231 (b) If the clerk is unable to determine the voting precinct to which the ballot should be
1232 sent or when valid ballots are received too late to deliver to the election judges on election day,
1233 the clerk shall keep them in a safe place until delivery can be made as required by Section

1234 20A-3-309.

1235 Section 33. Section **20A-16-407**, which is renumbered from Section 20A-3-410 is
1236 renumbered and amended to read:

1237 ~~[20A-3-410].~~ **20A-16-407. Duty of election judges.**

1238 (1) (a) Voting precinct election judges shall open envelopes containing [~~military or~~
1239 ~~overseas citizen voter~~] military-overseas ballots that are in [~~their~~] the judges' custody on
1240 election day at the polling places during the time the polls are open as provided in this
1241 subsection.

1242 (b) The election judges shall:

1243 (i) first, open the outer envelope only; and

1244 (ii) [~~unless the ballot is a disabled military or overseas citizen voter's ballot,~~] compare
1245 the signature of the [~~military or overseas citizen~~] covered voter on the application with the
1246 signature on the registration and voting certificate.

1247 (2) (a) The judges shall register the [~~military or overseas citizen~~] covered voter to vote
1248 if the voter is not already registered if the judges find that:

1249 (i) the registration and voting certificate appears to be executed in proper form and
1250 contains information qualifying the [~~military or overseas citizen~~] covered voter to be registered
1251 as a voter; and

1252 (ii) the signatures on the certificate and the application correspond, where a
1253 comparison is required.

1254 (b) If the election judges determine that the registration and voting certificate is
1255 insufficient or that the signatures do not correspond, they shall:

1256 (i) disallow the registration; and

1257 (ii) without opening the ballot envelope, mark across the face of the envelope
1258 "Rejected as defective because of _____ ." with the reason for the rejection placed in the
1259 blank.

1260 (c) When a [~~military or overseas citizen~~] covered voter's name is entered upon the
1261 registration books, the voter is considered to be registered and the registration and voting

1262 certificate, signed and sworn to by the [~~military or overseas citizen~~] covered voter on the back
1263 of the ballot envelope, together with [~~his~~] the covered voter's name upon the registration books,
1264 constitute [~~his~~] the covered voter's registration record.

1265 (d) Nothing in this title may abridge the right of the [~~military or overseas citizen~~]
1266 covered voter to be registered as provided in this section.

1267 (3) (a) After registering the voter, the judges shall carefully open the ballot envelope so
1268 as not to destroy the information printed on it if they find that:

1269 (i) the registration and voting certificate is sufficient; and

1270 (ii) the signatures on the certificate and the application correspond, where a
1271 comparison is required.

1272 (b) The election judges shall:

1273 (i) remove the ballot from the envelope without unfolding it or permitting it to be
1274 opened or examined;

1275 (ii) initial the stub in the same manner as for other ballots;

1276 (iii) deposit the ballot in the proper ballot box; and

1277 (iv) mark the official register and pollbook to show that the voter has voted.

1278 (c) If the election judges determine that the registration and voting certificate is
1279 insufficient or that the signatures do not correspond, they shall:

1280 (i) disallow the vote; and

1281 (ii) without opening the ballot envelope, mark across the face of the envelope
1282 "Rejected as defective because of _____ ." with the reason for the rejection placed in the
1283 blank.

1284 (4) The election judges shall deposit the envelope, when the ballot is voted, and the
1285 envelope with its contents unopened, when the absent vote is rejected, in the ballot box
1286 containing the ballots.

1287 (5) The county clerk shall retain and preserve the envelopes in the manner provided by
1288 law for the retention and preservation of official ballots voted at that election.

1289 Section 34. Section **20A-16-408** is enacted to read:

1290 **20A-16-408. Receipt of voted ballot.**

1291 (1) A valid military-overseas ballot cast in accordance with Section 20A-16-404 shall
1292 be counted if the military-overseas ballot is delivered by the end of business on the business
1293 day before the latest deadline for completing the canvass to the address that the appropriate
1294 state or local election office has specified.

1295 (2) If, at the time of completing a military-overseas ballot and balloting materials, the
1296 voter has declared under penalty of perjury as provided in Title 76, Chapter 8, Part 5,
1297 Falsification in Official Matters, that the ballot was timely submitted, the ballot may not be
1298 rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

1299 Section 35. Section **20A-16-409** is enacted to read:

1300 **20A-16-409. Declaration.**

1301 A military-overseas ballot shall include or be accompanied by:

1302 (1) a declaration signed by a covered voter that a material misstatement of fact in
1303 completing the ballot may be grounds for a conviction of perjury under the laws of the United
1304 States or Title 76, Chapter 8, Part 5, Falsification in Official Matters; and

1305 (2) the following statement if the military-overseas ballot is electronically transmitted:
1306 "I understand that by electronically transmitting my voted ballot I am voluntarily waiving my
1307 right to a secret ballot. Signature of voter _____ Date _____".

1308 Section 36. Section **20A-16-410** is enacted to read:

1309 **20A-16-410. Confirmation of receipt of application and voted ballot.**

1310 The lieutenant governor, in coordination with an election officer, shall implement an
1311 electronic free-access system by which a covered voter may determine by telephone, electronic
1312 mail, or Internet:

1313 (1) whether the voter's federal postcard application or other registration or
1314 military-overseas ballot application has been received and accepted;

1315 (2) whether the voter's military-overseas ballot has been received; and

1316 (3) the current status of the ballot.

1317 Section 37. Section **20A-16-501** is enacted to read:

Part 5. Miscellaneous

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20A-16-501. Use of voter's email address.

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

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

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

(b) may be used only for official communication with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location.

(3) The request for an email address shall:

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

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

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

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

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

Section 38. Section **20A-16-502** is enacted to read:

20A-16-502. Publication of election notice.

(1) At least 100 days before an election, other than a statewide special election or local special election, and as soon as practicable before a statewide special election or local special

1346 election, the election officer shall prepare an election notice for the election officer's
1347 jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

1348 (2) The election notice must contain:

1349 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
1350 that date the election officer expects to be on the ballot on the date of the election; and

1351 (b) specific instructions for how a covered voter is to indicate on the federal write-in
1352 absentee ballot the covered voter's choice for each office to be filled and for each ballot
1353 proposition to be contested.

1354 (3) (a) A covered voter may request a copy of an election notice.

1355 (b) The election officer shall send the notice to the covered voter by facsimile, email,
1356 or regular mail, as the covered voter requests.

1357 (4) As soon as the ballot is certified, and not later than the date ballots are required to
1358 be transmitted to voters under Chapter 3, Part 3, Absentee Voting, the official charged with
1359 preparing the election notice under Subsection (1) shall update the notice with the certified
1360 candidates for each office and ballot propositions questions and make the updated notice
1361 publicly available.

1362 (5) A political subdivision that maintains a website shall make the election notice
1363 prepared under this section and updated versions of the election notice regularly available on
1364 the website.

1365 Section 39. Section **20A-16-503** is enacted to read:

1366 **20A-16-503. Prohibition of nonsubstantive requirements.**

1367 (1) (a) If a covered voter's mistake or omission in the completion of a document under
1368 this chapter does not prevent determining whether a covered voter is eligible to vote, the
1369 mistake or omission does not invalidate the document.

1370 (b) Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of
1371 a specified size or weight, does not invalidate a document submitted under this chapter.

1372 (c) In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on
1373 a regular ballot, if the intention of the covered voter is discernable under this state's uniform

1374 definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in
1375 the form of the name of a candidate or a political party is a valid vote.

1376 (2) (a) Notarization is not required for the execution of a document under this chapter.

1377 (b) (i) An authentication, other than the declaration specified in Section 20A-16-409 or
1378 the declaration on the federal postcard application and federal write-in absentee ballot, is not
1379 required for execution of a document under this chapter.

1380 (ii) The declaration and any information in the declaration may be compared with
1381 information on file to ascertain the validity of the document.

1382 Section 40. Section **20A-16-504** is enacted to read:

1383 **20A-16-504. Equitable relief.**

1384 A court may issue an injunction or grant other equitable relief appropriate to ensure
1385 substantial compliance with, or enforce, this chapter on application by:

1386 (1) a covered voter alleging a grievance under this chapter; or

1387 (2) an election officer.

1388 Section 41. Section **20A-16-505** is enacted to read:

1389 **20A-16-505. Uniformity of application and construction.**

1390 In applying and construing this uniform act, consideration shall be given to the need to
1391 promote uniformity of the law with respect to its subject matter among states that enact it.

1392 Section 42. Section **20A-16-506** is enacted to read:

1393 **20A-16-506. Relation to Electronic Signatures in Global and National Commerce**
1394 **Act.**

1395 This chapter modifies, limits, and supersedes the Electronic Signatures in Global and
1396 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede
1397 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the
1398 notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

1399 Section 43. Section **63G-2-302** is amended to read:

1400 **63G-2-302. Private records.**

1401 (1) The following records are private:

1402 (a) records concerning an individual's eligibility for unemployment insurance benefits,
1403 social services, welfare benefits, or the determination of benefit levels;

1404 (b) records containing data on individuals describing medical history, diagnosis,
1405 condition, treatment, evaluation, or similar medical data;

1406 (c) records of publicly funded libraries that when examined alone or with other records
1407 identify a patron;

1408 (d) records received by or generated by or for:

1409 (i) the Independent Legislative Ethics Commission, except for:

1410 (A) the commission's summary data report that is required under legislative rule; and

1411 (B) any other document that is classified as public under legislative rule; or

1412 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
1413 unless the record is classified as public under legislative rule;

1414 (e) records received or generated for a Senate confirmation committee concerning
1415 character, professional competence, or physical or mental health of an individual:

1416 (i) if prior to the meeting, the chair of the committee determines release of the records:

1417 (A) reasonably could be expected to interfere with the investigation undertaken by the
1418 committee; or

1419 (B) would create a danger of depriving a person of a right to a fair proceeding or
1420 impartial hearing; and

1421 (ii) after the meeting, if the meeting was closed to the public;

1422 (f) employment records concerning a current or former employee of, or applicant for
1423 employment with, a governmental entity that would disclose that individual's home address,
1424 home telephone number, Social Security number, insurance coverage, marital status, or payroll
1425 deductions;

1426 (g) records or parts of records under Section 63G-2-303 that a current or former
1427 employee identifies as private according to the requirements of that section;

1428 (h) that part of a record indicating a person's Social Security number or federal
1429 employer identification number if provided under Section 31A-23a-104, 31A-25-202,

1430 31A-26-202, 58-1-301, 61-1-4, or 61-2f-203;

1431 (i) that part of a voter registration record identifying a voter's driver license or
1432 identification card number, Social Security number, or last four digits of the Social Security
1433 number;

1434 (j) a record that:

1435 (i) contains information about an individual;

1436 (ii) is voluntarily provided by the individual; and

1437 (iii) goes into an electronic database that:

1438 (A) is designated by and administered under the authority of the Chief Information
1439 Officer; and

1440 (B) acts as a repository of information about the individual that can be electronically
1441 retrieved and used to facilitate the individual's online interaction with a state agency;

1442 (k) information provided to the Commissioner of Insurance under:

1443 (i) Subsection 31A-23a-115(2)(a);

1444 (ii) Subsection 31A-23a-302(3); or

1445 (iii) Subsection 31A-26-210(3);

1446 (l) information obtained through a criminal background check under Title 11, Chapter
1447 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

1448 (m) information provided by an offender that is:

1449 (i) required by the registration requirements of Section 77-27-21.5; and

1450 (ii) not required to be made available to the public under Subsection 77-27-21.5(27);

1451 [and]

1452 (n) a statement and any supporting documentation filed with the attorney general in
1453 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
1454 homeland security[-];

1455 (o) an email address provided by a military or overseas voter under Section

1456 20A-16-501; and

1457 (p) a completed military-overseas ballot that is electronically transmitted under Title

1458 20A, Chapter 16, Uniform Military and Overseas Voters Act.

1459 (2) The following records are private if properly classified by a governmental entity:

1460 (a) records concerning a current or former employee of, or applicant for employment
1461 with a governmental entity, including performance evaluations and personal status information
1462 such as race, religion, or disabilities, but not including records that are public under Subsection
1463 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);

1464 (b) records describing an individual's finances, except that the following are public:

1465 (i) records described in Subsection 63G-2-301(2);

1466 (ii) information provided to the governmental entity for the purpose of complying with
1467 a financial assurance requirement; or

1468 (iii) records that must be disclosed in accordance with another statute;

1469 (c) records of independent state agencies if the disclosure of those records would
1470 conflict with the fiduciary obligations of the agency;

1471 (d) other records containing data on individuals the disclosure of which constitutes a
1472 clearly unwarranted invasion of personal privacy;

1473 (e) records provided by the United States or by a government entity outside the state
1474 that are given with the requirement that the records be managed as private records, if the
1475 providing entity states in writing that the record would not be subject to public disclosure if
1476 retained by it; and

1477 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1478 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
1479 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

1480 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
1481 records, statements, history, diagnosis, condition, treatment, and evaluation.

1482 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1483 doctors, or affiliated entities are not private records or controlled records under Section
1484 63G-2-304 when the records are sought:

1485 (i) in connection with any legal or administrative proceeding in which the patient's

1486 physical, mental, or emotional condition is an element of any claim or defense; or
1487 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1488 relies upon the condition as an element of the claim or defense.

1489 (c) Medical records are subject to production in a legal or administrative proceeding
1490 according to state or federal statutes or rules of procedure and evidence as if the medical
1491 records were in the possession of a nongovernmental medical care provider.

1492 **Section 44. Repealer.**

1493 This bill repeals:

1494 **Section 20A-3-401, Intent and purpose of part.**

1495 **Section 20A-3-402, Scope of part.**

1496 **Section 20A-3-403, Definitions.**

1497 **Section 20A-3-404, Special military write-in absentee ballots.**

1498 **Section 20A-3-404.5, Special overseas citizen voter absentee ballot.**

1499 **Section 20A-3-405, Registration of military voters and overseas citizen voters.**

1500 **Section 20A-3-406, Absentee ballots for military personnel and citizens living**
1501 **overseas -- Federal postcard applications for ballot.**

1502 **Section 20A-3-407, Mailing of ballot to military voter.**

1503 **Section 20A-3-408, Voting of ballot by military or overseas citizen voter.**

1504 **Section 20A-3-408.5, Electronic registration and voting by military and overseas**
1505 **citizen voters in a hostile fire zone -- Procedures for accepting and processing a federal**
1506 **postcard application form -- Returned ballot.**

1507 **Section 20A-3-411, Challenge of ballot.**

1508 **Section 20A-3-412, State and county officials to provide supplies -- Violation a**
1509 **misdemeanor.**

1510 **Section 45. Effective date.**

1511 This bill takes effect on January 1, 2012.

1512 **Section 46. Coordinating S.B. 162 with H.B. 33 -- Substantive amendments.**

1513 If this S.B. 162 and H.B. 33, Election Law Revisions, both pass, it is the intent of the

1514 Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah
1515 Code database for publication by amending Subsection 20A-14-105(2)(b) to read:

1516 “(b) notify the lieutenant governor of its selections by [~~September 15~~] August 31.”

1517 Section 47. **Coordinating S.B. 162 with H.B. 230 -- Superseding technical and**
1518 **substantive amendments.**

1519 If this S.B. 162 and H.B. 230, Disability Amendments, both pass, it is the intent of the
1520 Legislature that the amendments in Section 20A-16-407 in this bill supersede the amendments
1521 to Section 20A-3-410 in H.B. 230 when the Office of Legislative Research and General
1522 Counsel prepares the Utah Code database for publication.