

1 **PRESIDENTIAL CANDIDATE AMENDMENTS**

2 2011 THIRD SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Peter C. Knudson**

5 House Sponsor: Kraig Powell

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to elections.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ authorizes and establishes requirements for a political party to participate in a
13 regular primary election for office of the President of the United States if there is no
14 Western States Presidential Primary;

15 ▶ directs the lieutenant governor to certify the results of the primary canvass to a
16 political party by August 1;

17 ▶ makes certain exceptions for presidential candidates in the primary election process;

18 ▶ requires a political party to certify presidential electors by August 31; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides an immediate effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **20A-4-306**, as last amended by Laws of Utah 2009, Chapter 202

27 **20A-9-201**, as last amended by Laws of Utah 2011, Chapters 58 and 208



28 **20A-9-202.5**, as enacted by Laws of Utah 1999, Chapter 22

29 **20A-9-403 (Superseded 01/01/12)**, as last amended by Laws of Utah 2011, Chapters
30 292, 297, and 335

31 **20A-9-403 (Effective 01/01/12)**, as last amended by Laws of Utah 2011, Chapters 292,
32 297, 327, and 335

33 **20A-9-802**, as last amended by Laws of Utah 2008, Chapter 225

34 **20A-13-301**, as last amended by Laws of Utah 2001, Chapter 78

35

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

37 Section 1. Section **20A-4-306** is amended to read:

38 **20A-4-306. Statewide canvass.**

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

40 (i) on the fourth Monday of November, at noon; or

41 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
42 returns of a statewide special election.

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

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

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

48 (i) meet in the lieutenant governor's office; and

49 (ii) compute and determine the vote for officers and for and against any ballot
50 propositions voted upon by the voters of the entire state or of two or more counties.

51 (b) The lieutenant governor, as secretary of the board shall file a report in his office
52 that details:

53 (i) for each statewide officer and ballot proposition:

54 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

55 (B) the candidates for each statewide office whose names appeared on the ballot, plus
56 any recorded write-in candidates;

57 (C) the number of votes from each county cast for each candidate and for and against
58 each ballot proposition;

59 (D) the total number of votes cast statewide for each candidate and for and against each
60 ballot proposition; and

61 (E) the total number of votes cast statewide; and

62 (ii) for each officer or ballot proposition voted on in two or more counties:

63 (A) the name of each of those offices and ballot propositions that appeared on the
64 ballot;

65 (B) the candidates for those offices, plus any recorded write-in candidates;

66 (C) the number of votes from each county cast for each candidate and for and against
67 each ballot proposition; and

68 (D) the total number of votes cast for each candidate and for and against each ballot
69 proposition.

70 (c) The lieutenant governor shall:

71 (i) prepare certificates of election for:

72 (A) each successful candidate; and

73 (B) each of the presidential electors of the candidate for president who received a
74 majority of the votes;

75 (ii) authenticate each certificate with his seal; and

76 (iii) deliver a certificate of election to:

77 (A) each candidate who had the highest number of votes for each office; and

78 (B) each of the presidential electors of the candidate for president who received a
79 majority of the votes.

80 (3) If the lieutenant governor has not received election returns from all counties on the
81 fifth day before the day designated for the meeting of the state board of canvassers, the
82 lieutenant governor shall:

83 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
84 county;

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

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

88 (4) The state board of canvassers may not withhold the declaration of the result or any
89 certificate of election because of any defect or informality in the returns of any election if the

90 board can determine from the returns, with reasonable certainty, what office is intended and
91 who is elected to it.

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

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

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

97 (b) ~~[The]~~ Not later than the August 1 after the primary election, the lieutenant governor
98 shall certify the results of;

99 (i) the primary canvass, except for the office of President of the United States, to the
100 county clerks [not later than the August 1 after the primary election.]; and

101 (ii) the primary canvass for the office of President of the United States to each
102 registered political party that participated in the primary.

103 (6) (a) At noon on the day that falls seven days after the last day on which a county
104 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary
105 election, the lieutenant governor shall:

106 (i) canvass the returns; and

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

108 (b) The lieutenant governor shall certify the results of the Western States Presidential
109 Primary canvass to each registered political party that participated in the primary not later than
110 the April 15 after the primary election.

111 Section 2. Section **20A-9-201** is amended to read:

112 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
113 **more than one political party prohibited with exceptions -- General filing and form**
114 **requirements -- Affidavit of impecuniosity.**

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

116 (a) be a United States citizen; and

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

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

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

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

122 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, President
123 or Vice President of the United States and another office, if the person resigns the person's
124 candidacy for the other office after the person is officially nominated for President or Vice
125 President of the United States.

126 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than
127 one justice court judge office.

128 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any
129 declaration of candidacy, the filing officer shall:

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

132 (B) require the candidate to state whether or not the candidate meets those
133 requirements.

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

136 (A) a United States citizen;

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

139 (C) a registered voter in the county in which the person is seeking office; and

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

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

147 (A) a United States citizen;

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

150 (C) a registered voter in the prosecution district in which the person is seeking office;
151 and

152 (D) a current resident of the prosecution district in which the person is seeking office
153 and either will have been a resident of that prosecution district for at least one year as of the
154 date of the election or was appointed and is currently serving as district attorney and became a
155 resident of the prosecution district within 30 days after receiving appointment to the office.

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

158 (A) as of the date of filing:

159 (I) is a United States citizen;

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

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

164 (Bb) has met the waiver requirements in Section 53-6-206; and

165 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
166 53-13-103; and

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

169 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant
170 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
171 Education member, the filing officer shall ensure:

172 (A) that the person filing the declaration of candidacy also files the financial disclosure
173 required by Section 20A-11-1603; and

174 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
175 provided to the lieutenant governor according to the procedures and requirements of Section
176 20A-11-1603.

177 (b) If the prospective candidate states that the qualification requirements for the office
178 are not met, the filing officer may not accept the prospective candidate's declaration of
179 candidacy.

180 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
181 requirements of candidacy are met, the filing officer shall:

182 (i) inform the candidate that:

183 (A) the candidate's name will appear on the ballot as it is written on the declaration of
184 candidacy;

185 (B) the candidate may be required to comply with state or local campaign finance
186 disclosure laws; and

187 (C) the candidate is required to file a financial statement before the candidate's political
188 convention under:

189 (I) Section 20A-11-204 for a candidate for constitutional office;

190 (II) Section 20A-11-303 for a candidate for the Legislature; or

191 (III) local campaign finance disclosure laws, if applicable;

192 (ii) except for a presidential candidate, provide the candidate with a copy of the current
193 campaign financial disclosure laws for the office the candidate is seeking and inform the
194 candidate that failure to comply will result in disqualification as a candidate and removal of the
195 candidate's name from the ballot;

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

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

201 (A) signing the pledge is voluntary; and

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

203 (v) accept the candidate's declaration of candidacy; and

204 (vi) if the candidate has filed for a partisan office, provide a certified copy of the
205 declaration of candidacy to the chair of the county or state political party of which the
206 candidate is a member.

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

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

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

213 (4) Except for presidential candidates, the form of the declaration of candidacy shall be

214 substantially as follows:

215 "State of Utah, County of ____

216 I, _____, declare my intention of becoming a candidate for the office

217 of ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the

218 qualifications to hold the office, both legally and constitutionally, if selected; I reside at

219 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I

220 will not knowingly violate any law governing campaigns and elections; I will file all

221 campaign financial disclosure reports as required by law; and I understand that failure

222 to do so will result in my disqualification as a candidate for this office and removal of

223 my name from the ballot. The mailing address that I designate for receiving official

224 election notices is _____.

225 _____

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

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

228 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy

229 is:

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

231 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person

232 holding the office, but not less than \$5, for all other federal, state, and county offices.

233 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

234 any candidate:

235 (i) who is disqualified; or

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

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

238 from candidates.

239 (ii) The lieutenant governor shall:

240 (A) apportion to and pay to the county treasurers of the various counties all fees

241 received for filing of nomination certificates or acceptances; and

242 (B) ensure that each county receives that proportion of the total amount paid to the

243 lieutenant governor from the congressional district that the total vote of that county for all

244 candidates for representative in Congress bears to the total vote of all counties within the

245 congressional district for all candidates for representative in Congress.

246 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
247 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
248 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
249 a financial statement filed at the time the affidavit is submitted.

250 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

251 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
252 statement filed under this section shall be subject to the criminal penalties provided under
253 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

254 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be
255 considered an offense under this title for the purposes of assessing the penalties provided in
256 Subsection 20A-1-609(2).

257 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
258 substantially the following form:

259 "Affidavit of Impecuniosity

260 Individual Name

261 _____ Address _____

262 Phone Number _____

263 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
264 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
265 law.

266 Date _____ Signature _____

267 Affiant

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

269 _____
270 (signature)

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

272 (v) The filing officer shall provide to a person who requests an affidavit of
273 impecuniosity a statement printed in substantially the following form, which may be included
274 on the affidavit of impecuniosity:

275 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

276 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
277 penalties, will be removed from the ballot."

278 (vi) The filing officer may request that a person who makes a claim of impecuniosity
279 under this Subsection (5)(d) file a financial statement on a form prepared by the election
280 official.

281 (6) If there is no legislative appropriation for the Western States Presidential Primary
282 election, as provided in Part 8, Western States Presidential Primary, a candidate for President
283 of the United States who is affiliated with a registered political party and chooses to participate
284 in the regular primary election shall:

285 (a) file a declaration of candidacy, in person or via a designated agent, with the
286 lieutenant governor:

287 (i) on a form developed and provided by the lieutenant governor; and

288 (ii) on or after the second Friday in March and before 5 p.m. on the third Thursday in
289 March before the next regular primary election;

290 (b) identify the registered political party whose nomination the candidate is seeking;

291 (c) provide a letter from the registered political party certifying that the candidate may
292 participate as a candidate for that party in that party's presidential primary election; and

293 (d) pay the filing fee of \$500.

294 [~~6~~] (7) Any person who fails to file a declaration of candidacy or certificate of
295 nomination within the time provided in this chapter is ineligible for nomination to office.

296 [~~7~~] (8) A declaration of candidacy filed under this section may not be amended or
297 modified after the final date established for filing a declaration of candidacy.

298 Section 3. Section **20A-9-202.5** is amended to read:

299 **20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.**

300 (1) As used in this section:

301 (a) "Presidential candidate" means a person seeking nomination for President of the
302 United States from a Utah registered political party.

303 (b) "Utah registered political party" means a political party that has complied with the
304 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a
305 political party officially recognized by the state.

306 (2) Each presidential candidate, or the candidate's designated agent, shall file a

307 declaration of candidacy with the lieutenant governor as provided in:

308 (a) Section 20A-9-803[-], for participation in the Western States Presidential Primary
 309 election; or

310 (b) Section 20A-9-201, for participation in the regular primary election.

311 Section 4. Section **20A-9-403 (Superseded 01/01/12)** is amended to read:

312 **20A-9-403 (Superseded 01/01/12). Regular primary elections.**

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

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

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

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

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

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

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

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

329 (ii) certify the name and office of each of its county candidates to the county clerks by
 330 5 p.m. on May 13 of each even-numbered year.

331 (c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall
 332 send the county clerks a certified list of the names of all statewide candidates, multicounty
 333 candidates, or single county candidates that shall be printed on the primary ballot and the order
 334 the candidates are to appear on the ballot in accordance with Section 20A-6-305.

335 (d) [~~(i) Except as provided in Subsection (2)(d)(ii);~~] Except for presidential candidates,
 336 if a registered political party does not wish to participate in the primary election, it shall submit
 337 the names of its county candidates to the county clerks and the names of all of its candidates to

338 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

339 ~~[(ii) A registered political party's candidates for president and vice president of the~~
340 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~
341 ~~20A-9-202(4).]~~

342 ~~[(e) Each political party shall certify the names of its presidential and vice-presidential~~
343 ~~candidates and presidential electors to the lieutenant governor's office no later than September~~
344 ~~8 of each presidential election year.]~~

345 (3) The county clerk shall:

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

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

351 (c) determine the order of the candidates' names on the ballot in accordance with
352 Section 20A-6-305.

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

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

359 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
360 votes cast for each office at the regular primary election are nominated by their party or
361 nonpartisan group for that office.

362 (b) If two or more candidates, other than presidential candidates, are to be elected to
363 the office at the regular general election, those party candidates equal in number to positions to
364 be filled who receive the highest number of votes at the regular primary election are the
365 nominees of their party for those positions.

366 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
367 office that represents more than one county, the governor, lieutenant governor, and attorney
368 general shall, at a public meeting called by the governor and in the presence of the candidates

369 involved, select the nominee by lot cast in whatever manner the governor determines.

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

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

378 Section 5. Section **20A-9-403 (Effective 01/01/12)** is amended to read:

379 **20A-9-403 (Effective 01/01/12). Regular primary elections.**

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

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

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

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

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

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

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

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

397 (ii) certify the name and office of each of its county candidates to the county clerks by
398 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year.

399 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each

400 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
401 names of all statewide candidates, multicounty candidates, or single county candidates that
402 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in
403 accordance with Section 20A-6-305.

404 (d) ~~[(i) Except as provided in Subsection (2)(d)(ii)]~~ Except for presidential candidates,
405 if a registered political party does not wish to participate in the primary election, it shall submit
406 the names of its county candidates to the county clerks and the names of all of its candidates to
407 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

408 ~~[(ii) A registered political party's candidates for President and Vice-President of the~~
409 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~
410 ~~20A-9-202(4).]~~

411 ~~[(e) Each political party shall certify the names of its presidential and vice-presidential~~
412 ~~candidates and presidential electors to the lieutenant governor's office no later than August 31~~
413 ~~of each presidential election year.]~~

414 (3) The county clerk shall:

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

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

420 (c) determine the order of the candidates' names on the ballot in accordance with
421 Section 20A-6-305.

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

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

428 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
429 votes cast for each office at the regular primary election are nominated by their party or
430 nonpartisan group for that office.

431 (b) If two or more candidates, other than presidential candidates, are to be elected to
432 the office at the regular general election, those party candidates equal in number to positions to
433 be filled who receive the highest number of votes at the regular primary election are the
434 nominees of their party for those positions.

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

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

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

447 Section 6. Section **20A-9-802** is amended to read:

448 **20A-9-802. Western States Presidential Primary established -- Other ballot items**
449 **prohibited.**

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

453 (ii) A political party may participate in a regular primary election for the office of
454 President of the United States only if there is no Western States Presidential Primary election in
455 that year.

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

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

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

461 (iii) Title 20A, Chapter 3, Voting;

462 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

463 (v) Title 20A, Chapter 5, Election Administration; and

464 (vi) Title 20A, Chapter 6, Ballot Form.

465 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western
466 States Presidential Primary contains only the names of candidates for President of the United
467 States who have qualified as provided in this part.

468 (ii) The county clerks may not present any other items to the voters to be voted upon at
469 this election.

470 (2) Registered political parties, and candidates for President of the United States who
471 are affiliated with a registered political party, may participate in the Western States Presidential
472 Primary established by this part.

473 (3) As a condition for using the state's election system, each registered political party
474 wishing to participate in Utah's Western States Presidential Primary shall:

475 (a) declare their intent to participate in the Western States Presidential Primary;

476 (b) identify one or more registered political parties whose members may vote for the
477 registered political party's candidates and whether or not persons identified as unaffiliated with
478 a political party may vote for the registered political party's candidates; and

479 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June
480 30 of the year before the year in which the presidential primary will be held.

481 Section 7. Section **20A-13-301** is amended to read:

482 **20A-13-301. Presidential elections -- Effect of vote.**

483 (1) (a) Each registered political party shall choose persons to act as presidential electors
484 and to fill vacancies in the office of presidential electors for their party's candidates for
485 President and Vice President according to the procedures established in their bylaws.

486 (b) [~~The person designated as liaison with the lieutenant governor's office shall~~
487 ~~transmit]~~ Each registered political party shall certify to the lieutenant governor the names and
488 addresses of the persons selected by the political party as the party's presidential electors by
489 August 31.

490 (2) The highest number of votes cast for a political party's president and vice president
491 candidates elects the presidential electors selected by that political party.

492 Section 8. **Effective date.**

493 If approved by two-thirds of all the members elected to each house, this bill takes effect
494 upon approval by the governor, or the day following the constitutional time limit of Utah
495 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
496 the date of veto override.

Legislative Review Note
as of 9-30-11 4:56 PM

Office of Legislative Research and General Counsel