

**ELECTIONS AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to nomination of candidates, primary and general elections, and ballots.

**Highlighted Provisions:**

This bill:

- ▶ defines terms and modifies defined terms;
- ▶ modifies dates and other provisions relating to a notice of election;
- ▶ except as it relates to presidential candidates, prohibits a ballot or ballot sheet from indicating that a candidate is associated with a political party unless the candidate is nominated by petition or nominated by a qualified political party;
- ▶ changes dates relating to the establishment and publication of the master ballot position list;
- ▶ defines a qualified political party as a registered political party that:
  - permits voters who are unaffiliated with any political party to vote for the registered political party's candidates in a primary election;
  - permits members of the registered political party to vote for neighborhood delegates remotely or by absentee ballot;
  - permits delegates for the registered political party to vote on a candidate nomination in the registered political party's convention remotely or permits the designation of an alternate delegate; and



- 28           • establishes, at 65% or higher, the minimum percentage of votes that a candidate  
 29 must receive at the party caucus in order to avoid a primary;
- 30           ▶ modifies provisions and dates relating to a declaration of candidacy;
- 31           ▶ provides that candidates for elective office shall be nominated in direct primary  
 32 elections, unless the candidates are listed on the ballot as unaffiliated or are  
 33 nominated by a qualified political party;
- 34           ▶ modifies provisions relating to the conduct of a primary election;
- 35           ▶ describes petition requirements for appearing on a primary election ballot for  
 36 nomination as a candidate for an identified political party;
- 37           ▶ grants rulemaking authority to the lieutenant governor;
- 38           ▶ describes duties of the lieutenant governor and county clerks in relation to the  
 39 provisions of this bill;
- 40           ▶ describes requirements and exceptions for a qualified political party;
- 41           ▶ describes an alternate nomination procedure for a qualified political party; and
- 42           ▶ makes technical and conforming changes.

43 **Money Appropriated in this Bill:**

44           None

45 **Other Special Clauses:**

46           ~~Ŝ~~→ ~~[None]~~ This bill takes effect on January 1, 2015. ←~~Ŝ~~

47 **Utah Code Sections Affected:**

48 AMENDS:

- 49           **20A-1-102**, as last amended by Laws of Utah 2013, Chapter 320
- 50           **20A-1-501**, as last amended by Laws of Utah 2013, Chapter 317
- 51           **20A-5-101**, as last amended by Laws of Utah 2011, Chapters 291 and 292
- 52           **20A-6-301**, as last amended by Laws of Utah 2012, Chapter 68
- 53           **20A-6-302**, as last amended by Laws of Utah 2013, Chapter 317
- 54           **20A-6-303**, as last amended by Laws of Utah 2011, Chapter 292
- 55           **20A-6-304**, as last amended by Laws of Utah 2011, Chapter 292
- 56           **20A-6-305**, as enacted by Laws of Utah 2011, Chapter 292
- 57           **20A-9-101**, as last amended by Laws of Utah 2007, Chapter 329
- 58           **20A-9-201**, as last amended by Laws of Utah 2013, Chapters 145 and 317

59 **20A-9-202**, as last amended by Laws of Utah 2013, Chapter 317

60 **20A-9-403**, as last amended by Laws of Utah 2013, Chapter 317

61 **20A-9-701**, as last amended by Laws of Utah 2011, Chapter 327

62 ENACTS:

63 **20A-9-405**, Utah Code Annotated 1953

64 **20A-9-406**, Utah Code Annotated 1953

65 **20A-9-407**, Utah Code Annotated 1953



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

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

69 **20A-1-102. Definitions.**

70 As used in this title:

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

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

75 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
76 upon which a voter records the voter's votes.

77 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
78 envelopes.

79 [~~5~~] (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

80 (a) contain the names of offices and candidates and statements of ballot propositions to  
81 be voted on; and

82 (b) are used in conjunction with ballot sheets that do not display that information.

83 [~~6~~] (5) "Ballot proposition" means a question, issue, or proposal that is submitted to  
84 voters on the ballot for their approval or rejection including:

85 (a) an opinion question specifically authorized by the Legislature;

86 (b) a constitutional amendment;

87 (c) an initiative;

88 (d) a referendum;

89 (e) a bond proposition;

- 90 (f) a judicial retention question;
- 91 (g) an incorporation of a city or town; or
- 92 (h) any other ballot question specifically authorized by the Legislature.
- 93 [~~4~~] (6) "Ballot sheet":
- 94 (a) means a ballot that:
- 95 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 96 (ii) can be counted using automatic tabulating equipment; and
- 97 (b) includes punch card ballots and other ballots that are machine-countable.
- 98 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 99 together with a staple or stitch in at least three places across the top of the paper in the blank
- 100 space reserved for securing the paper.
- 101 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 102 [20A-4-306](#) to canvass election returns.
- 103 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 104 the proposed issuance of bonds by a government entity.
- 105 (10) "Book voter registration form" means voter registration forms contained in a
- 106 bound book that are used by election officers and registration agents to register persons to vote.
- 107 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 108 charge by the sender.
- 109 (12) "By-mail voter registration form" means a voter registration form designed to be
- 110 completed by the voter and mailed to the election officer.
- 111 (13) "Canvass" means the review of election returns and the official declaration of
- 112 election results by the board of canvassers.
- 113 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 114 the canvass.
- 115 (15) "Contracting election officer" means an election officer who enters into a contract
- 116 or interlocal agreement with a provider election officer.
- 117 (16) "Convention" means the political party convention at which party officers and
- 118 delegates are selected.
- 119 (17) "Counting center" means one or more locations selected by the election officer in
- 120 charge of the election for the automatic counting of ballots.

121 (18) "Counting judge" means a poll worker designated to count the ballots during  
122 election day.

123 (19) "Counting poll watcher" means a person selected as provided in Section  
124 20A-3-201 to witness the counting of ballots.

125 (20) "Counting room" means a suitable and convenient private place or room,  
126 immediately adjoining the place where the election is being held, for use by the poll workers  
127 and counting judges to count ballots during election day.

128 (21) "County officers" means those county officers that are required by law to be  
129 elected.

130 (22) "Date of the election" or "election day" or "day of the election":

131 (a) means the day that is specified in the calendar year as the day that the election  
132 occurs; and

133 (b) does not include:

134 (i) deadlines established for absentee voting; or

135 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
136 Voting.

137 (23) "Elected official" means:

138 (a) a person elected to an office under Section 20A-1-303;

139 (b) a person who is considered to be elected to a municipal office in accordance with  
140 Subsection 20A-1-206(1)(c)(ii); or

141 (c) a person who is considered to be elected to a local district office in accordance with  
142 Subsection 20A-1-206(3)(c)(ii).

143 (24) "Election" means a regular general election, a municipal general election, a  
144 statewide special election, a local special election, a regular primary election, a municipal  
145 primary election, and a local district election.

146 (25) "Election Assistance Commission" means the commission established by Public  
147 Law 107-252, the Help America Vote Act of 2002.

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

150 (27) "Election judge" means a poll worker that is assigned to:

151 (a) preside over other poll workers at a polling place;

- 152 (b) act as the presiding election judge; or
- 153 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 154 (28) "Election officer" means:
- 155 (a) the lieutenant governor, for all statewide ballots and elections;
- 156 (b) the county clerk for:
- 157 (i) a county ballot and election; and
- 158 (ii) a ballot and election as a provider election officer as provided in Section
- 159 [20A-5-400.1](#) or [20A-5-400.5](#);
- 160 (c) the municipal clerk for:
- 161 (i) a municipal ballot and election; and
- 162 (ii) a ballot and election as a provider election officer as provided in Section
- 163 [20A-5-400.1](#) or [20A-5-400.5](#);
- 164 (d) the local district clerk or chief executive officer for:
- 165 (i) a local district ballot and election; and
- 166 (ii) a ballot and election as a provider election officer as provided in Section
- 167 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 168 (e) the business administrator or superintendent of a school district for:
- 169 (i) a school district ballot and election; and
- 170 (ii) a ballot and election as a provider election officer as provided in Section
- 171 [20A-5-400.1](#) or [20A-5-400.5](#).
- 172 (29) "Election official" means any election officer, election judge, or poll worker.
- 173 (30) "Election results" means:
- 174 (a) for an election other than a bond election, the count of votes cast in the election and
- 175 the election returns requested by the board of canvassers; or
- 176 (b) for bond elections, the count of those votes cast for and against the bond
- 177 proposition plus any or all of the election returns that the board of canvassers may request.
- 178 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 179 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 180 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 181 form, and the total votes cast form.
- 182 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting

183 device or other voting device that records and stores ballot information by electronic means.

184 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
185 or logically associated with a record and executed or adopted by a person with the intent to sign  
186 the record.

187 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

188 (b) "Electronic voting device" includes a direct recording electronic voting device.

189 (35) "Inactive voter" means a registered voter who has:

190 (a) been sent the notice required by Section 20A-2-306; and

191 (b) failed to respond to that notice.

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

194 (37) "Judicial office" means the office filled by any judicial officer.

195 (38) "Judicial officer" means any justice or judge of a court of record or any county  
196 court judge.

197 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
198 Local Government Entities - Local Districts, and includes a special service district under Title  
199 17D, Chapter 1, Special Service District Act.

200 (40) "Local district officers" means those local district officers that are required by law  
201 to be elected.

202 (41) "Local election" means a regular municipal election, a local special election, a  
203 local district election, and a bond election.

204 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
205 local school district.

206 (43) "Local special election" means a special election called by the governing body of a  
207 local political subdivision in which all registered voters of the local political subdivision may  
208 vote.

209 (44) "Municipal executive" means:

210 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

211 or

212 (b) the mayor in the council-manager form of government defined in Subsection  
213 10-3b-103(6).

214 (45) "Municipal general election" means the election held in municipalities and local  
215 districts on the first Tuesday after the first Monday in November of each odd-numbered year  
216 for the purposes established in Section [20A-1-202](#).

217 (46) "Municipal legislative body" means the council of the city or town in any form of  
218 municipal government.

219 (47) "Municipal office" means an elective office in a municipality.

220 (48) "Municipal officers" means those municipal officers that are required by law to be  
221 elected.

222 (49) "Municipal primary election" means an election held to nominate candidates for  
223 municipal office.

224 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
225 workers to be given to voters to record their votes.

226 (51) "Official endorsement" means:

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

228 (i) the ballot as an official ballot;

229 (ii) the date of the election; and

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

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

232 (i) the poll worker's initials; and

233 (ii) the ballot number.

234 (52) "Official register" means the official record furnished to election officials by the  
235 election officer that contains the information required by Section [20A-5-401](#).

236 (53) "Paper ballot" means a paper that contains:

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

239 (b) spaces for the voter to record the voter's vote for each office and for or against each  
240 ballot proposition.

241 (54) "Political party" means an organization of registered voters that has qualified to  
242 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
243 and Procedures.

244 (55) (a) "Poll worker" means a person assigned by an election official to assist with an



245 election, voting, or counting votes.

246 (b) "Poll worker" includes election judges.

247 (c) "Poll worker" does not include a watcher.

248 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
249 cast votes.

250 (57) "Polling place" means the building where voting is conducted.

251 (58) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
252 in which the voter marks the voter's choice.

253 ~~[(62)]~~ (59) "Primary convention" means the political party conventions ~~[at which~~  
254 ~~nominees for]~~ held during the year of the regular [primary] general election [are selected].

255 ~~[(63)]~~ (60) "Protective counter" means a separate counter, which cannot be reset, that:

256 (a) is built into a voting machine; and

257 (b) records the total number of movements of the operating lever.

258 ~~[(59)]~~ (61) "Provider election officer" means an election officer who enters into a  
259 contract or interlocal agreement with a contracting election officer to conduct an election for  
260 the contracting election officer's local political subdivision in accordance with Section  
261 [20A-5-400.1](#).

262 ~~[(60)]~~ (62) "Provisional ballot" means a ballot voted provisionally by a person:

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

264 (b) whose legal right to vote is challenged as provided in this title; or

265 (c) whose identity was not sufficiently established by a poll worker.

266 ~~[(61)]~~ (63) "Provisional ballot envelope" means an envelope printed in the form  
267 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide  
268 information to verify a person's legal right to vote.

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

271 (65) "Receiving judge" means the poll worker that checks the voter's name in the  
272 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
273 after the voter has voted.

274 (66) "Registration form" means a book voter registration form and a by-mail voter  
275 registration form.

276 (67) "Regular ballot" means a ballot that is not a provisional ballot.

277 (68) "Regular general election" means the election held throughout the state on the first  
278 Tuesday after the first Monday in November of each even-numbered year for the purposes  
279 established in Section [20A-1-201](#).

280 (69) "Regular primary election" means the election on the fourth Tuesday of June of  
281 each even-numbered year, to nominate candidates of political parties and [~~nonpolitical groups~~]  
282 candidates for non-partisan local school board positions to advance to the regular general  
283 election.

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

285 (71) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
286 and distributed as provided in Section [20A-5-405](#).

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

289 (73) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
290 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
291 the voter's vote.

292 (74) "Special election" means an election held as authorized by Section [20A-1-203](#).

293 (75) "Spoiled ballot" means each ballot that:

294 (a) is spoiled by the voter;

295 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

296 (c) lacks the official endorsement.

297 (76) "Statewide special election" means a special election called by the governor or the  
298 Legislature in which all registered voters in Utah may vote.

299 (77) "Stub" means the detachable part of each ballot.

300 (78) "Substitute ballots" means replacement ballots provided by an election officer to  
301 the poll workers when the official ballots are lost or stolen.

302 (79) "Ticket" means each list of candidates for each political party or for each group of  
303 petitioners.

304 (80) "Transfer case" means the sealed box used to transport voted ballots to the  
305 counting center.

306 (81) "Vacancy" means the absence of a person to serve in any position created by

307 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
308 or other cause.

309 (82) "Valid voter identification" means:

310 (a) a form of identification that bears the name and photograph of the voter which may  
311 include:

312 (i) a currently valid Utah driver license;

313 (ii) a currently valid identification card that is issued by:

314 (A) the state; or

315 (B) a branch, department, or agency of the United States;

316 (iii) a currently valid Utah permit to carry a concealed weapon;

317 (iv) a currently valid United States passport; or

318 (v) a currently valid United States military identification card;

319 (b) one of the following identification cards, whether or not the card includes a  
320 photograph of the voter:

321 (i) a valid tribal identification card;

322 (ii) a Bureau of Indian Affairs card; or

323 (iii) a tribal treaty card; or

324 (c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear  
325 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
326 may include:

327 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
328 election;

329 (ii) a bank or other financial account statement, or a legible copy thereof;

330 (iii) a certified birth certificate;

331 (iv) a valid Social Security card;

332 (v) a check issued by the state or the federal government or a legible copy thereof;

333 (vi) a paycheck from the voter's employer, or a legible copy thereof;

334 (vii) a currently valid Utah hunting or fishing license;

335 (viii) certified naturalization documentation;

336 (ix) a currently valid license issued by an authorized agency of the United States;

337 (x) a certified copy of court records showing the voter's adoption or name change;

338 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

339 (xii) a currently valid identification card issued by:

340 (A) a local government within the state;

341 (B) an employer for an employee; or

342 (C) a college, university, technical school, or professional school located within the  
343 state; or

344 (xiii) a current Utah vehicle registration.

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

347 (84) "Voter" means a person who:

348 (a) meets the requirements for voting in an election;

349 (b) meets the requirements of election registration;

350 (c) is registered to vote; and

351 (d) is listed in the official register book.

352 (85) "Voter registration deadline" means the registration deadline provided in Section  
353 [20A-2-102.5](#).

354 (86) "Voting area" means the area within six feet of the voting booths, voting  
355 machines, and ballot box.

356 (87) "Voting booth" means:

357 (a) the space or compartment within a polling place that is provided for the preparation  
358 of ballots, including the voting machine enclosure or curtain; or

359 (b) a voting device that is free standing.

360 (88) "Voting device" means:

361 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
362 piercing the ballots by the voter;

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

364 (c) an electronic voting device or other device used to make selections and cast a ballot  
365 electronically, or any component thereof;

366 (d) an automated voting system under Section [20A-5-302](#); or

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

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

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

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

375 (92) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
376 poll watcher, and a testing watcher.

377 (93) "Western States Presidential Primary" means the election established in Chapter 9,  
378 Part 8, Western States Presidential Primary.

379 (94) "Write-in ballot" means a ballot containing any write-in votes.

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

382 Section 2. Section **20A-1-501** is amended to read:

383 **20A-1-501. Candidate vacancies -- Procedure for filling.**

384 (1) The state central committee of a political party, for candidates for United States  
385 senator, United States representative, governor, lieutenant governor, attorney general, state  
386 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass  
387 more than one county, and the county central committee of a political party, for all other party  
388 candidates seeking an office elected at a regular general election, may certify the name of  
389 another candidate to the appropriate election officer if:

390 (a) for a registered political party that will have a candidate on a ballot in a primary  
391 election, after the close of the period for filing a declaration of candidacy and continuing  
392 through the day before the day on which the lieutenant governor makes the certification  
393 described in Subsection [20A-9-403](#)~~[(2)(c)]~~(4)(a):

394 (i) only one or two candidates from that party have filed a declaration of candidacy for  
395 that office; and

396 (ii) one or both:

397 (A) dies;

398 (B) resigns because of acquiring a physical or mental disability, certified by a  
399 physician, that prevents the candidate from continuing the candidacy; or

400 (C) is disqualified by an election officer for improper filing or nominating procedures;

401 (b) for a registered political party that does not have a candidate on the ballot in a  
402 primary, but that will have a candidate on the ballot for a general election, after the close of the  
403 period for filing a declaration of candidacy and continuing through the day before the day on  
404 which the lieutenant governor makes the certification described in Section 20A-5-409, the  
405 party's candidate:

406 (i) dies;

407 (ii) resigns because of acquiring a physical or mental disability as certified by a  
408 physician;

409 (iii) is disqualified by an election officer for improper filing or nominating procedures;

410 or

411 (iv) resigns to become a candidate for president or vice president of the United States;

412 or

413 (c) for a registered political party with a candidate certified as winning a primary  
414 election, after the deadline described in Subsection (1)(a) and continuing through the day  
415 before that day on which the lieutenant governor makes the certification described in Section  
416 20A-5-409, the party's candidate:

417 (i) dies;

418 (ii) resigns because of acquiring a physical or mental disability as certified by a  
419 physician;

420 (iii) is disqualified by an election officer for improper filing or nominating procedures;

421 or

422 (iv) resigns to become a candidate for president or vice president of the United States.

423 (2) If no more than two candidates from a political party have filed a declaration of  
424 candidacy for an office elected at a regular general election and one resigns to become the party  
425 candidate for another position, the state central committee of that political party, for candidates  
426 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for  
427 legislative candidates whose legislative districts encompass more than one county, and the  
428 county central committee of that political party, for all other party candidates, may certify the  
429 name of another candidate to the appropriate election officer.

430 (3) Each replacement candidate shall file a declaration of candidacy as required by

431 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

432 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the  
433 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

434 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline  
435 described in Subsection (1)(b) may not appear on the general election ballot.

436 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline  
437 described in Subsection (1)(c) may not appear on the general election ballot.

438 Section 3. Section **20A-5-101** is amended to read:

439 **20A-5-101. Notice of election.**

440 (1) On or before [~~February 1~~ in] November 15 in the year before each regular general  
441 election year, the lieutenant governor shall prepare and transmit a written notice to each county  
442 clerk that:

443 (a) designates the offices to be filled at the next year's regular general election;

444 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
445 certifying nomination petition signatures under Section 20A-9-403, for those offices;

446 (c) includes the master ballot position list for [~~the current year and~~] the next year and  
447 the year following as established under Section 20A-6-305; and

448 (d) contains a description of any ballot propositions to be decided by the voters that  
449 have qualified for the ballot as of that date.

450 (2) (a) No later than [~~February 15~~] November 15 in the year before the regular general  
451 election year, each county clerk shall:

452 (i) publish a notice:

453 (A) once in a newspaper published in that county; and

454 (B) as required in Section 45-1-101; or

455 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to  
456 give notice of the election to the voters in each voting precinct within the county; and

457 (B) prepare an affidavit of that posting, showing a copy of the notice and the places  
458 where the notice was posted.

459 (b) The notice required by Subsection (2)(a) shall:

460 (i) designate the offices to be voted on in that election in that county, other than local  
461 district offices; and

- 462 (ii) identify the dates for filing a declaration of candidacy for those offices.
- 463 (3) Before each election, the election officer shall give written or printed notice of:
- 464 (a) the date and place of election;
- 465 (b) the hours during which the polls will be open;
- 466 (c) the polling places for each voting precinct;
- 467 (d) an election day voting center designated under Section 20A-3-703; and
- 468 (e) the qualifications for persons to vote in the election.

469 (4) To provide the notice required by Subsection (3), the election officer shall publish  
 470 the notice at least two days before the election:

- 471 (a) in a newspaper of general circulation common to the area or in which the election is  
 472 being held; and
- 473 (b) as required in Section 45-1-101.

474 Section 4. Section 20A-6-301 is amended to read:

475 **20A-6-301. Paper ballots -- Regular general election.**

476 (1) Each election officer shall ensure that:

- 477 (a) all paper ballots furnished for use at the regular general election contain:
  - 478 (i) no captions or other endorsements except as provided in this section;
  - 479 (ii) display no symbols, markings, or other descriptions of a political party or group,  
 480 except for a registered political party that has chosen to nominate its candidates in accordance  
 481 with Section 20A-9-403; and
  - 482 (iii) feature no indication that a candidate for elective office has been nominated by, or  
 483 has been endorsed by, or is in any way affiliated with a political party or group, unless the  
 484 candidate has been nominated by a registered political party in accordance with in accordance  
 485 with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).

486 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the  
 487 top of the ballot, and divided from the rest of ballot by a perforated line;

488 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
 489 stub; and

490 (iii) ballot stubs are numbered consecutively;

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



- 493 (i) "Official Ballot for \_\_\_\_ County, Utah";
- 494 (ii) the date of the election; and
- 495 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 496 (d) each ticket is placed in a separate column on the ballot in the order specified under
- 497 Section [20A-6-305](#) with the party emblem, followed by the party name, at the head of the
- 498 column;
- 499 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
- 500 high;
- 501 (f) a circle one-half inch in diameter is printed immediately below the party name or
- 502 title, and the top of the circle is placed not less than two inches below the perforated line;
- 503 (g) unaffiliated candidates ~~and~~, candidates not affiliated with a registered political
- 504 party, and all other candidates for elective office who were not nominated by a registered
- 505 political party in accordance with Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#), are
- 506 listed in one column in the order specified under Section [20A-6-305](#), without a party circle,
- 507 with the following instructions printed at the head of the column: "All candidates not affiliated
- 508 with a political party are listed below. They are to be considered with all offices and
- 509 candidates listed to the left. Only one vote is allowed for each office.";
- 510 (h) the columns containing the lists of candidates, including the party name and device,
- 511 are separated by heavy parallel lines;
- 512 (i) the offices to be filled are plainly printed immediately above the names of the
- 513 candidates for those offices;
- 514 (j) the names of candidates are printed in capital letters, not less than one-eighth nor
- 515 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
- 516 lines or rules three-eighths of an inch apart;
- 517 (k) a square with sides measuring not less than one-fourth of an inch in length is
- 518 printed immediately adjacent to the name of each candidate;
- 519 (l) for the offices of president and vice president and governor and lieutenant governor,
- 520 one square with sides measuring not less than one-fourth of an inch in length is printed on the
- 521 same side as but opposite a double bracket enclosing the names of the two candidates;
- 522 (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a
- 523 write-in column long enough to contain as many written names of candidates as there are

524 persons to be elected with:

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

527 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a  
528 square with sides measuring not less than one-fourth of an inch in length printed immediately  
529 adjacent to the blank horizontal line; or

530 (B) for the offices of president and vice president and governor and lieutenant  
531 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
532 valid write-in candidates, and one square with sides measuring not less than one-fourth of an  
533 inch in length printed on the same side as but opposite a double bracket enclosing the two  
534 blank horizontal lines; and

535 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
536 one-half inch circle;

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

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

542 (2) Each election officer shall ensure that:

543 (a) each person nominated by any registered political party [~~or group of petitioners~~]  
544 under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on  
545 the ballot:

546 (i) under the [~~party~~] registered political party's name and emblem, if any; or

547 (ii) under the title of the registered political party [~~or group~~] as designated by them in  
548 their certificates of nomination or petition, or, if none is designated, then under some suitable  
549 title;

550 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,  
551 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

552 (c) the names of the candidates for president and vice president are used on the ballot  
553 instead of the names of the presidential electors; and

554 (d) the ballots contain no other names.

555 (3) When the ballot contains a nonpartisan section, the election officer shall ensure  
556 that:

557 (a) the designation of the office to be filled in the election and the number of  
558 candidates to be elected are printed in type not smaller than eight point;

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

560 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for  
561 which the voter may vote)" extend to the extreme right of the column;

562 (d) the nonpartisan candidates are grouped according to the office for which they are  
563 candidates;

564 (e) the names in each group are placed in the order specified under Section 20A-6-305  
565 with the surnames last; and

566 (f) each group is preceded by the designation of the office for which the candidates  
567 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of  
568 candidates for which the voter may vote)," according to the number to be elected.

569 (4) Each election officer shall ensure that:

570 (a) proposed amendments to the Utah Constitution are listed on the ballot in  
571 accordance with Section 20A-6-107;

572 (b) ballot propositions submitted to the voters are listed on the ballot in accordance  
573 with Section 20A-6-107; and

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

576 Section 5. Section 20A-6-302 is amended to read:

577 **20A-6-302. Paper ballots -- Placement of candidates' names.**

578 (1) Each election officer shall ensure, for paper ballots in regular general elections,  
579 that:

580 (a) each candidate is listed by party, if nominated by a registered political party under  
581 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

582 (b) candidates' surnames are listed in alphabetical order on the ballots when two or  
583 more candidates' names are required to be listed on a ticket under the title of an office; and

584 (c) the names of candidates are placed on the ballot in the order specified under Section  
585 20A-6-305.

586 (2) (a) When there is only one candidate for county attorney at the regular general  
587 election in counties that have three or fewer registered voters of the county who are licensed  
588 active members in good standing of the Utah State Bar, the county clerk shall cause that  
589 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot  
590 with the following question: "Shall (name of candidate) be elected to the office of county  
591 attorney? Yes \_\_\_\_ No \_\_\_\_."

592 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
593 elected to the office of county attorney.

594 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
595 elected and may not take office, nor may the candidate continue in the office past the end of the  
596 term resulting from any prior election or appointment.

597 (d) When the name of only one candidate for county attorney is printed on the ballot  
598 under authority of this Subsection (2), the county clerk may not count any write-in votes  
599 received for the office of county attorney.

600 (e) If no qualified person files for the office of county attorney or if the candidate is not  
601 elected by the voters, the county legislative body shall appoint the county attorney as provided  
602 in Section [20A-1-509.2](#).

603 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on  
604 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the  
605 two consecutive terms immediately preceding the term for which the candidate is seeking  
606 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an  
607 unopposed candidate the same as any other unopposed candidate for another office, unless a  
608 petition is filed with the county clerk before the date of that year's primary election that:

- 609 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
- 610 (ii) contains the signatures of registered voters in the county representing in number at  
611 least 25% of all votes cast in the county for all candidates for governor at the last election at  
612 which a governor was elected.

613 (3) (a) When there is only one candidate for district attorney at the regular general  
614 election in a prosecution district that has three or fewer registered voters of the district who are  
615 licensed active members in good standing of the Utah State Bar, the county clerk shall cause  
616 that candidate's name and party affiliation, if any, to be placed on a separate section of the

617 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
618 attorney? Yes \_\_\_\_ No \_\_\_\_."

619 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
620 elected to the office of district attorney.

621 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
622 elected and may not take office, nor may the candidate continue in the office past the end of the  
623 term resulting from any prior election or appointment.

624 (d) When the name of only one candidate for district attorney is printed on the ballot  
625 under authority of this Subsection (3), the county clerk may not count any write-in votes  
626 received for the office of district attorney.

627 (e) If no qualified person files for the office of district attorney, or if the only candidate  
628 is not elected by the voters under this subsection, the county legislative body shall appoint a  
629 new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

630 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on  
631 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the  
632 two consecutive terms immediately preceding the term for which the candidate is seeking  
633 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an  
634 unopposed candidate the same as any other unopposed candidate for another office, unless a  
635 petition is filed with the county clerk before the date of that year's primary election that:

- 636 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 637 (ii) contains the signatures of registered voters in the county representing in number at  
638 least 25% of all votes cast in the county for all candidates for governor at the last election at  
639 which a governor was elected.

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

641 **20A-6-303. Regular general election -- Ballot sheets.**

642 (1) Each election officer shall ensure that:

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

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

647 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to

648 include, after the list of candidates:

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

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

651 (d) (i) a voting square or position is included where the voter may record a straight

652 party ticket vote for all the candidates of one party by one mark or punch; and

653 (ii) the name of each political party listed in the straight party selection area includes

654 the word "party" at the end of the party's name;

655 (e) the tickets are printed in the order specified under Section 20A-6-305;

656 (f) the office titles are printed immediately adjacent to the names of candidates so as to

657 indicate clearly the candidates for each office and the number to be elected;

658 (g) the party designation of each candidate who has been nominated by a registered

659 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is printed

660 immediately adjacent to the candidate's name; and

661 (h) (i) if possible, all candidates for one office are grouped in one column or upon one

662 page;

663 (ii) if all candidates for one office cannot be listed in one column or grouped on one

664 page:

665 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of

666 candidates is continued on the following column or page; and

667 (B) approximately the same number of names shall be printed in each column or on

668 each page.

669 (2) Each election officer shall ensure that:

670 (a) proposed amendments to the Utah Constitution are listed in accordance with

671 Section 20A-6-107;

672 (b) ballot propositions submitted to the voters are listed in accordance with Section

673 20A-6-107; and

674 (c) bond propositions that have qualified for the ballot are listed under the title

675 assigned to each bond proposition under Section 11-14-206.

676 Section 7. Section 20A-6-304 is amended to read:

677 **20A-6-304. Regular general election -- Electronic ballots.**

678 (1) Each election officer shall ensure that:

- 679 (a) the format and content of the electronic ballot is arranged in approximately the  
680 same order as paper ballots;
- 681 (b) the titles of offices and the names of candidates are displayed in vertical columns or  
682 in a series of separate display screens;
- 683 (c) the electronic ballot is of sufficient length to include, after the list of candidates:  
684 (i) the names of candidates for judicial offices and any other nonpartisan offices; and  
685 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 686 (d) (i) a voting square or position is included where the voter may record a straight  
687 party ticket vote for all the candidates of one party by making a single selection; and  
688 (ii) the name of each political party listed in the straight party selection area includes  
689 the word "party" at the end of the party's name;
- 690 (e) the tickets are displayed in the order specified under Section [20A-6-305](#);
- 691 (f) the office titles are displayed above or at the side of the names of candidates so as to  
692 indicate clearly the candidates for each office and the number to be elected;
- 693 (g) the party designation of each candidate who has been nominated by a registered  
694 political party under Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#) is displayed  
695 adjacent to the candidate's name; and
- 696 (h) if possible, all candidates for one office are grouped in one column or upon one  
697 display screen.
- 698 (2) Each election officer shall ensure that:
- 699 (a) proposed amendments to the Utah Constitution are displayed in accordance with  
700 Section [20A-6-107](#);
- 701 (b) ballot propositions submitted to the voters are displayed in accordance with Section  
702 [20A-6-107](#); and
- 703 (c) bond propositions that have qualified for the ballot are displayed under the title  
704 assigned to each bond proposition under Section [11-14-206](#).
- 705 Section 8. Section [20A-6-305](#) is amended to read:
- 706 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**  
707 **Publication -- Surname -- Exemptions.**
- 708 (1) As used in this section, "master ballot position list" means an official list of the 26  
709 characters in the alphabet listed in random order and numbered from one to 26 as provided

710 under Subsection (2).

711 (2) The lieutenant governor shall:

712 (a) ~~[at the beginning of each general election year]~~ by November 15 in the year before  
713 each regular general election, conduct a random selection to establish the master ballot position  
714 list for the ~~[current year and]~~ the next year and the year following in accordance with  
715 procedures established under Subsection (2)(c);

716 (b) publish the master ballot position lists on the lieutenant governor's election website  
717 on or before ~~[February 1 in]~~ November 15 in the year before each regular general election  
718 [year]; and

719 (c) establish written procedures for:

720 (i) the election official to use the master ballot position list; and

721 (ii) the lieutenant governor in:

722 (A) conducting the random selection in a fair manner; and

723 (B) providing a record of the random selection process used.

724 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an  
725 election officer shall use the master ballot position list for the current year to determine the  
726 order in which to list candidates on the ballot for an election held during the year.

727 (4) To determine the order in which to list candidates on the ballot required under  
728 Subsection (3), the election officer shall apply the randomized alphabet using:

729 (a) the candidate's surname;

730 (b) for candidates with a surname that has the same spelling, the candidate's given  
731 name;

732 (c) the surname of the president and the surname of the governor for an election for the  
733 offices of president and vice president and governor and lieutenant governor; and

734 (d) if the ballot provides for a ticket or a straight party ticket, the registered political  
735 party name.

736 (5) This section does not apply to:

737 (a) an election for an office for which only one candidate is listed on the ballot; or

738 (b) a judicial retention election under Section [20A-12-201](#).

739 Section 9. Section **20A-9-101** is amended to read:

740 **20A-9-101. Definitions.**



741 As used in this chapter:

742 (1) (a) "Candidates for elective office" means persons [~~selected by a registered political~~  
743 ~~party as party candidates~~] who file a declaration of candidacy under Section 20A-9-202 to run  
744 in a regular general election for a federal office, constitutional office, multi-county office, or  
745 county office.

746 (b) "Candidates for elective office" does not mean candidates for:

747 (i) justice or judge of court of record or not of record;

748 (ii) presidential elector;

749 (iii) any political party offices; and

750 (iv) municipal or local district offices.

751 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
752 attorney general, state auditor, and state treasurer.

753 (3) "Continuing political party" is as defined in Section 20A-8-101.

754 [~~(3)~~] (4) (a) "County office" means an elective office where the office holder is selected  
755 by voters entirely within one county.

756 (b) "County office" does not mean:

757 (i) the office of justice or judge of any court of record or not of record;

758 (ii) the office of presidential elector;

759 (iii) any political party offices;

760 (iv) any municipal or local district offices; and

761 (v) the office of United States Senator and United States Representative.

762 [~~(4)~~] (5) "Federal office" means an elective office for United States Senator and United  
763 States Representative.

764 [~~(5)~~] (6) "Filing officer" means:

765 (a) the lieutenant governor, for:

766 [~~(i) offices whose political division contains territory in two or more counties;]~~

767 [~~(ii)~~] (i) the office of United States Senator and United States Representative; and

768 [~~(iii)~~] (ii) all constitutional offices;

769 (b) the county clerk, for county offices and local school district offices, and the county  
770 clerk in the filer's county of residence, for multi-county offices;

771 (c) the city or town clerk, for municipal offices; and

772 (d) the local district clerk, for local district offices.

773 [~~(6)~~] (7) "Local district office" means an elected office in a local district.

774 [~~(7)~~] (8) "Local government office" includes county offices, municipal offices, and  
775 local district offices and other elective offices selected by the voters from a political division  
776 entirely within one county.

777 [~~(8)~~] (9) (a) "Multi-county office" means an elective office where the office holder is  
778 selected by the voters from more than one county.

779 (b) "Multi-county office" does not mean:

780 (i) a county office;

781 (ii) a federal office;

782 (iii) the office of justice or judge of any court of record or not of record;

783 (iv) the office of presidential elector;

784 (v) any political party offices; and

785 (vi) any municipal or local district offices.

786 [~~(9)~~] (10) "Municipal office" means an elective office in a municipality.

787 [~~(10)~~] (11) (a) "Political division" means a geographic unit from which an office holder  
788 is elected and that an office holder represents.

789 (b) "Political division" includes a county, a city, a town, a local district, a school  
790 district, a legislative district, and a county prosecution district.

791 (12) "Qualified political party" means a registered political party that:

792 (a) permits voters who are unaffiliated with any political party to vote for the registered  
793 political party's candidates in a primary election;

794 (b) permits members of the registered political party to vote for neighborhood  
795 delegates remotely or by absentee ballot;

796 (c) accepts a vote cast remotely or by absentee ballot, under Subsection (12)(b), for a  
797 period of not less than two days after the day on which:

798 (i) all delegate nominees of the registered political party have been identified; and

799 (ii) the name of each delegate nominee described in Subsection (12)(c)(i) is made  
800 available to members of the registered political party;

801 (d) (i) permits a delegate for the registered political party to vote on a candidate  
802 nomination in the registered political party's convention remotely; or

803 (ii) provides a procedure for designating an alternate delegate if a delegate is not  
 804 present at the registered political party's convention; and

805 (e) establishes, at 65% or higher, the minimum percentage of votes that a candidate  
 806 must receive at the party ~~§~~ → ~~caucus~~ convention ← ~~§~~ in order to avoid a primary.

807 Section 10. Section **20A-9-201** is amended to read:

808 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
 809 **more than one political party prohibited with exceptions -- General filing and form**  
 810 **requirements -- Affidavit of impecuniosity.**

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

812 (a) be a United States citizen; [~~and~~]

813 (b) meet the legal requirements of that office[-]; and

814 (c) if seeking a registered political party's nomination as a candidate for elective office,  
 815 designate that registered political party as their preferred party affiliation on their declaration of  
 816 candidacy.

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

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

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

821 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president  
 822 or vice president of the United States and another office, if the person resigns the person's  
 823 candidacy for the other office after the person is officially nominated for president or vice  
 824 president of the United States.

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

827 (iii) A person may file a declaration of candidacy for lieutenant governor even if the  
 828 person filed a declaration of candidacy for another office in the same election year if the person  
 829 withdraws as a candidate for the other office in accordance with Subsection **20A-9-202(6)**  
 830 before filing the declaration of candidacy for lieutenant governor.

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

833 (A) read to the prospective candidate the constitutional and statutory qualification

834 requirements for the office that the candidate is seeking; and

835 (B) require the candidate to state whether or not the candidate meets those  
836 requirements.

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

839 (A) a United States citizen;

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

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

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

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

850 (A) a United States citizen;

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

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

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

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

861 (A) as of the date of filing:

862 (I) is a United States citizen;

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

864 (III) (Aa) has successfully met the standards and training requirements established for

865 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
866 Certification Act; or

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

868 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
869 53-13-103; and

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

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

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

877 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
878 provided to the lieutenant governor according to the procedures and requirements of Section  
879 20A-11-1603.

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

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

885 (i) inform the candidate that:

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

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

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

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

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

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

895 (ii) except for a presidential candidate, provide the candidate with a copy of the current

896 campaign financial disclosure laws for the office the candidate is seeking and inform the  
897 candidate that failure to comply will result in disqualification as a candidate and removal of the  
898 candidate's name from the ballot;

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

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

904 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

916 (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall  
917 be substantially as follows:

918 "State of Utah, County of \_\_\_\_\_

919 I, \_\_\_\_\_, declare my [~~intention of becoming a candidate~~] candidacy

920 for the office of \_\_\_\_\_ [~~as a candidate for~~], seeking the nomination of the \_\_\_\_\_ party,

921 which is my preferred political party affiliation. I do solemnly swear that: I will meet

922 the qualifications to hold the office, both legally and constitutionally, if selected; I

923 reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No.

924 \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will

925 file all campaign financial disclosure reports as required by law; and I understand that

926 failure to do so will result in my disqualification as a candidate for this office and

927 removal of my name from the ballot. The mailing address that I designate for receiving official  
928 election notices is \_\_\_\_\_.

929 \_\_\_\_\_

930 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year).

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

932 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202  
933 may not sign the form described in Subsection (4)(a).

934 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
935 is:

936 (i) \$50 for candidates for the local school district board; and

937 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
938 person holding the office for all other federal, state, and county offices.

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

941 (i) who is disqualified; or

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

943 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
944 from candidates.

945 (ii) The lieutenant governor shall:

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

948 (B) ensure that each county receives that proportion of the total amount paid to the  
949 lieutenant governor from the congressional district that the total vote of that county for all  
950 candidates for representative in Congress bears to the total vote of all counties within the  
951 congressional district for all candidates for representative in Congress.

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

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

957 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

958 statement filed under this section shall be subject to the criminal penalties provided under  
959 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

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

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

965 "Affidavit of Impecuniosity

966 Individual Name

967 \_\_\_\_\_ Address \_\_\_\_\_

968 Phone Number \_\_\_\_\_

969 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
970 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
971 law.

972 Date \_\_\_\_\_ Signature \_\_\_\_\_

973 Affiant

974 Subscribed and sworn to before me on \_\_\_\_\_ (month/day/year)

975 \_\_\_\_\_  
976 (signature)

977 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

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

981 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
982 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
983 penalties, will be removed from the ballot."

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

987 (6) (a) If there is no legislative appropriation for the Western States Presidential  
988 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for



989 president of the United States who is affiliated with a registered political party and chooses to  
 990 participate in the regular primary election shall:

991 (i) file a declaration of candidacy, in person or via a designated agent, with the  
 992 lieutenant governor:

993 (A) on a form developed and provided by the lieutenant governor; and

994 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
 995 March before the next regular primary election;

996 (ii) identify the registered political party whose nomination the candidate is seeking;

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

999 (iv) pay the filing fee of \$500.

1000 (b) An agent designated to file a declaration of candidacy may not sign the form  
 1001 described in Subsection (6)(a)(i)(A).

1002 (7) Any person who fails to file a declaration of candidacy or certificate of nomination  
 1003 within the time provided in this chapter is ineligible for nomination to office.

1004 (8) A declaration of candidacy filed under this section may not be amended or  
 1005 modified after the final date established for filing a declaration of candidacy.

1006 Section 11. Section **20A-9-202** is amended to read:

1007 **20A-9-202. Declarations of candidacy for regular general elections --**  
 1008 **Requirements for candidates.**

1009 (1) (a) Each person seeking to become a candidate for an elective office [~~for any county~~  
 1010 ~~office]~~ that is to be filled at the next regular general election shall:

1011 (i) file a declaration of candidacy in person with the [~~county clerk on or after the~~  
 1012 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~  
 1013 ~~regular general election]~~ filing officer on or after November 15 in the year before the regular  
 1014 general election year, and before the candidate circulates nomination petitions under Section  
 1015 20A-9-405; and

1016 (ii) pay the filing fee.

1017 [~~(b) Each person intending to become a candidate for any legislative office or~~  
 1018 ~~multicounty office that is to be filled at the next regular general election shall:]~~

1019 [~~(i) file a declaration of candidacy in person with either the lieutenant governor or the~~

1020 ~~county clerk in the candidate's county of residence on or after the second Friday in March and~~  
1021 ~~before 5 p.m. on the third Thursday in March before the next regular general election; and]~~

1022 ~~[(ii) pay the filing fee.]~~

1023 ~~[(c) (i)]~~ (b) Each county clerk who receives a declaration of candidacy from a candidate  
1024 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
1025 candidacy to the lieutenant governor within one working day after it is filed.

1026 ~~[(ii)]~~ (c) Each day during the filing period, each county clerk shall notify the lieutenant  
1027 governor electronically or by telephone of ~~[legislative]~~ candidates who have filed in their  
1028 office.

1029 ~~[(d) Each person seeking to become a candidate for elective office for any federal~~  
1030 ~~office or constitutional office that is to be filled at the next regular general election shall]:~~

1031 ~~[(i) file a declaration of candidacy in person with the lieutenant governor on or after the~~  
1032 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~  
1033 ~~regular general election; and]~~

1034 ~~[(ii) pay the filing fee.]~~

1035 ~~[(e)]~~ (d) Each person seeking the office of lieutenant governor, the office of district  
1036 attorney, or the office of president or vice president of the United States shall comply with the  
1037 specific declaration of candidacy requirements established by this section.

1038 (2) (a) Each person intending to become a candidate for the office of district attorney  
1039 within a multicounty prosecution district that is to be filled at the next regular general election  
1040 shall:

1041 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
1042 creating the prosecution district on or after ~~[the second Friday in March and before 5 p.m. on~~  
1043 ~~the third Thursday in March before the next regular general election]~~ November 15 in the year  
1044 before the regular general election year, and before the candidate circulates nomination  
1045 petitions under Section [20A-9-405](#); and

1046 (ii) pay the filing fee.

1047 (b) The designated clerk shall provide to the county clerk of each county in the  
1048 prosecution district a certified copy of each declaration of candidacy filed for the office of  
1049 district attorney.

1050 (3) (a) ~~[Within five working days of nomination]~~ On or before 5 p.m. on the first

- 1051 Monday after the third Saturday in April, each lieutenant governor candidate shall:
- 1052 (i) file a declaration of candidacy with the lieutenant governor; [~~and~~]
- 1053 (ii) pay the filing fee[-]; and
- 1054 (iii) submit a letter from a candidate for governor who has received certification for the
- 1055 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
- 1056 as a joint-ticket running mate.
- 1057 (b) [(i)] Any candidate for lieutenant governor who fails to timely file [~~within five~~
- 1058 ~~working days~~] is disqualified. [(ii)] If a lieutenant governor is disqualified, another candidate
- 1059 shall [~~be nominated~~] file to replace the disqualified candidate.
- 1060 (4) Each registered political party shall:
- 1061 (a) certify the names of its candidates for president and vice president of the United
- 1062 States to the lieutenant governor no later than August 31; or
- 1063 (b) provide written authorization for the lieutenant governor to accept the certification
- 1064 of candidates for president and vice president of the United States from the national office of
- 1065 the registered political party.
- 1066 (5) (a) A declaration of candidacy filed under this section is valid unless a written
- 1067 objection is filed with the clerk or lieutenant governor within five days after the last day for
- 1068 filing.
- 1069 (b) If an objection is made, the clerk or lieutenant governor shall:
- 1070 (i) mail or personally deliver notice of the objection to the affected candidate
- 1071 immediately; and
- 1072 (ii) decide any objection within 48 hours after it is filed.
- 1073 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
- 1074 problem by amending the declaration or petition within three days after the objection is
- 1075 sustained or by filing a new declaration within three days after the objection is sustained.
- 1076 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.
- 1077 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
- 1078 by a district court if prompt application is made to the court.
- 1079 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
- 1080 of its discretion, agrees to review the lower court decision.
- 1081 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by

1082 filing a written affidavit with the clerk.

1083 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement  
1084 in this section to file a declaration of candidacy in person, a person may designate an agent to  
1085 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

1086 (a) the person is located outside the state during the filing period because:

1087 (i) of employment with the state or the United States; or

1088 (ii) the person is a member of:

1089 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
1090 Coast Guard of the United States who is on active duty;

1091 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
1092 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
1093 States; or

1094 (C) the National Guard on activated status;

1095 (b) the person communicates with the filing officer using an electronic device that  
1096 allows the person and filing officer to see and hear each other; and

1097 (c) the person provides the filing officer with an email address to which the filing  
1098 officer may send the copies described in Subsection 20A-9-201(3).

1099 Section 12. Section 20A-9-403 is amended to read:

1100 **20A-9-403. Regular primary elections.**

1101 (1) (a) Candidates for elective office that are to be filled at the next regular general  
1102 election shall be nominated in a regular primary election by direct vote of the people in the  
1103 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is  
1104 designated as regular primary election day. Nothing in this section shall affect a candidate's  
1105 ability to qualify for a regular general election's ballot as an unaffiliated candidate under  
1106 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under  
1107 Section 20A-9-601.

1108 (b) Each registered political party that chooses to [~~use the primary election process to~~  
1109 ~~nominate some or all~~] have the names of its candidates for elective office featured with party  
1110 affiliation on the ballot at a regular general election shall comply with the requirements of this  
1111 section and shall nominate its candidates for elective office in the manner prescribed in this  
1112 section.

1113 (c) A filing officer may not permit an official ballot at a regular general election to be  
 1114 produced or used if the ballot denotes affiliation between a registered political party or any  
 1115 other political group and a candidate for elective office who was not nominated in the manner  
 1116 prescribed in this section or in Subsection 20A-9-202(4).

1117 (d) Unless noted otherwise, the dates in this section refer to those that occur in each  
 1118 even-numbered year in which a regular general election will be held.

1119 ~~(2) (a) [As a condition for using the state's election system, each]~~ Each registered  
 1120 political party [that wishes to participate in the primary election], in a statement filed with the  
 1121 lieutenant governor, shall:

1122 (i) either declare their intent to participate in the next regular primary election or  
 1123 declare that the registered political party chooses not to have the names of its candidates for  
 1124 elective office featured on the ballot at the next regular general election;

1125 (ii) if the registered political party participates in the upcoming regular primary  
 1126 election, identify one or more registered political parties whose members may vote for the  
 1127 registered political party's candidates and whether or not persons identified as unaffiliated with  
 1128 a political party may vote for the registered political party's candidates; and

1129 ~~[(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1~~  
 1130 ~~of each even-numbered year.]~~

1131 ~~[(b) As a condition for using the state's election system, each registered political party~~  
 1132 ~~that wishes to participate in the primary election shall:]~~

1133 ~~[(i) certify the name and office of all of the registered political party's candidates to the~~  
 1134 ~~lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of~~  
 1135 ~~each even-numbered year and indicate which of the candidates will be on the primary ballot;~~  
 1136 ~~and]~~

1137 ~~[(ii) certify the name and office of each of its county candidates to the county clerks by~~  
 1138 ~~5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and~~  
 1139 ~~indicate which of the candidates will be on the primary ballot.]~~

1140 ~~[(c) By 5 p.m. on the first Wednesday after the third Saturday in April of each~~  
 1141 ~~even-numbered year, the lieutenant governor shall send the county clerks a certified list of the~~  
 1142 ~~names of all statewide candidates, multicounty candidates, or single county candidates that~~  
 1143 ~~shall be printed on the primary ballot and the order the candidates are to appear on the ballot in~~

1144 ~~accordance with Section [20A-6-305](#).]~~

1145 ~~[(d) Except for presidential candidates, if a registered political party does not wish to~~  
1146 ~~participate in the primary election, it shall submit the names of its county candidates to the~~  
1147 ~~county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May~~  
1148 ~~30 of each even-numbered year.]~~

1149 (iii) if the registered political party participates in the upcoming regular primary  
1150 election, indicate whether it chooses to nominate unopposed candidates without their name  
1151 appearing on the ballot, as described under Subsection (5)(c).

1152 (b) A registered political party that is a continuing political party must file the  
1153 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
1154 November 15 of each odd-numbered year. An organization that is seeking to become a  
1155 registered political party under Section [20A-8-103](#) must file the statement described in  
1156 Subsection (2)(b) no later than 5 p.m. on February 15.

1157 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a  
1158 declaration of candidacy under Section [20A-9-202](#) shall appear as a candidate for elective  
1159 office on the regular primary ballot of the registered political party listed on the declaration of  
1160 candidacy only if the person is certified by the appropriate filing officer as having submitted a  
1161 set of nomination petitions that was:

1162 (i) circulated and completed in accordance with Section [20A-9-405](#); and

1163 (ii) signed by at least two percent of the registered political party's members who reside  
1164 in the political division of the office that the person seeks.

1165 (b) A candidate for elective office shall submit nomination petitions to the appropriate  
1166 filing officer for verification and certification no later than 5 p.m. on the final day in March.  
1167 Candidates may supplement their submissions at any time on or before the filing deadline.

1168 (c) The lieutenant governor shall determine for each elective office the total number of  
1169 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number  
1170 of persons residing in each elective office's political division who have designated a particular  
1171 registered political party on their voter registration forms as of November 1 of each  
1172 odd-numbered year. The lieutenant governor shall publish this determination for each elective  
1173 office no later than November 15 of each odd-numbered year.

1174 (d) The filing officer shall:

- 1175 (i) verify signatures on nomination petitions in a transparent and orderly manner;  
1176 (ii) for all qualifying candidates for elective office who submitted nomination petitions  
1177 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on  
1178 the first Monday after the third Saturday in April;  
1179 (iii) consider active and inactive voters eligible to sign nomination petitions;  
1180 (iv) consider a person who signs a nomination petition a member of a registered  
1181 political party for purposes of Subsection 3(a)(ii) if the person has designated that registered  
1182 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.  
1183 on the final day in March; and  
1184 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination  
1185 petition signatures, or use statistical sampling procedures to verify submitted nomination  
1186 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).  
1187 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant  
1188 governor may appear on the regular primary ballot of a registered political party without  
1189 submitting nomination petitions if the candidate files a declaration of candidacy and complies  
1190 with Subsection [20A-9-202\(3\)](#).  
1191 (f) The lieutenant governor shall issue rules that provide for the use of statistical  
1192 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The  
1193 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a  
1194 candidate's entire submission, using widely recognized statistical sampling techniques. The  
1195 lieutenant governor may also issue supplemental rules and guidance that provide for the  
1196 transparent, orderly, and timely submission, verification, and certification of nomination  
1197 petition signatures.  
1198 [~~3~~] (g) The county clerk shall:  
1199 [~~a~~] (i) review the declarations of candidacy filed by candidates for local boards of  
1200 education to determine if more than two candidates have filed for the same seat;  
1201 [~~b~~] (ii) place the names of all candidates who have filed a declaration of candidacy  
1202 for a local board of education seat on the nonpartisan section of the ballot if more than two  
1203 candidates have filed for the same seat; and  
1204 [~~c~~] (iii) determine the order of the local board of education candidates' names on the  
1205 ballot in accordance with Section [20A-6-305](#).

1206 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
1207 governor shall provide to the county clerks:

1208 (i) a list of the names of all candidates for federal, constitutional, multi-county, and  
1209 county offices who have received certifications under Subsection (3), along with instructions  
1210 on how those names shall appear on the primary-election ballot in accordance with Section  
1211 20A-6-305; and

1212 (ii) a list of unopposed candidates for elective office who have been nominated by a  
1213 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such  
1214 candidates from the primary-election ballot.

1215 (b) a candidate for lieutenant governor and a candidate governor campaigning as  
1216 joint-ticket running mates shall appear jointly on the primary-election ballot.

1217 ~~[(4)]~~ (c) After the county clerk receives the certified list from ~~[a registered political~~  
1218 ~~party]~~ the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a  
1219 primary election notice in substantially the following form:

1220 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
1221 \_\_\_\_ (year), to nominate party candidates for the parties and ~~[nonpartisan offices]~~  
1222 candidates for non-partisan local school board positions listed on the primary ballot. The  
1223 polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open  
1224 until 8 p.m. of the same day. Attest: county clerk."

1225 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
1226 votes cast for each office at the regular primary election are nominated by their registered  
1227 political party ~~[or nonpartisan group]~~ for that office or are nominated as a candidate for a  
1228 non-partisan local school board position.

1229 (b) If two or more candidates, other than presidential candidates, are to be elected to  
1230 the office at the regular general election, those party candidates equal in number to positions to  
1231 be filled who receive the highest number of votes at the regular primary election are the  
1232 nominees of their party for those positions.

1233 (c) A candidate who is unopposed for an elective office in the regular primary election  
1234 of a registered political party is nominated by the party for that office without appearing on the  
1235 primary ballot, provided that the party has chosen to nominate unopposed candidates under  
1236 Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has



1237 received a certification under Subsection (3) for the regular primary election ballot of the  
1238 candidate's registered political party for a particular elective office.

1239 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1240 office that represents more than one county, the governor, lieutenant governor, and attorney  
1241 general shall, at a public meeting called by the governor and in the presence of the candidates  
1242 involved, select the nominee by lot cast in whatever manner the governor determines.

1243 (b) When a tie vote occurs in any primary election for any county office, the district  
1244 court judges of the district in which the county is located shall, at a public meeting called by  
1245 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1246 whatever manner the judges determine.

1247 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
1248 primary election provided for by this section, and all expenses necessarily incurred in the  
1249 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
1250 county or state, in the same manner as for the regular general elections.

1251 Section 13. Section **20A-9-405** is enacted to read:

1252 **20A-9-405. Nomination petitions for regular primary elections.**

1253 (1) This section shall apply to the form and circulation of nomination petitions for  
1254 regular primary elections described in Subsection [20A-9-403\(3\)\(a\)](#).

1255 (2) A candidate for elective office, and the agents of the candidate, may not circulate  
1256 nomination petitions until the candidate has submitted a declaration of candidacy in accordance  
1257 with Subsection [20A-9-202\(1\)](#).

1258 (3) The nomination petitions shall be in substantially the following form:

1259 (a) The petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

1260 (b) The petition shall be ruled with a horizontal line 3/4 inch from the top, with the  
1261 space above that line blank for purposes of binding;

1262 (c) The petition shall be headed by a caption stating the purpose of the petition and the  
1263 name of the proposed candidate;

1264 (d) The petition shall feature the word "Warning" followed by the following statement  
1265 in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to  
1266 knowingly sign a certificate of nomination signature sheet with any name other than the  
1267 person's own name or more than once for the same candidate or if the person is not registered

1268 to vote in this state and does not intend to become registered to vote in this state before  
1269 signatures are certified by a filing officer.";

1270 (e) The petition shall feature ten lines spaced one-half inch apart and consecutively  
1271 numbered one through ten.

1272 (f) The signature portion of the petition shall be divided into columns headed by the  
1273 following titles:

- 1274 (i) Registered Voter's Printed Name;
- 1275 (ii) Signature of Registered Voter;
- 1276 (iii) Party Affiliation of Registered Voter;
- 1277 (iv) Birth Date or Age (Optional);
- 1278 (v) Street Address, City, Zip Code; and
- 1279 (vi) Date of Signature.

1280 (e) A photograph of the candidate may appear on the nomination petition.

1281 (4) If one or more nomination petitions are bound together, a page shall be bound to  
1282 the nomination petition(s) that features the following printed verification statement to be signed  
1283 and dated by the petition circulator:

1284 "Verification  
1285 State of Utah, County of \_\_\_\_\_  
1286 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state under that:

1287 I am a Utah resident and am at least 18 years old;

1288 All the names that appear on the signature sheets bound to this page were, to the best of  
1289 my knowledge, signed by the persons who professed to be the persons whose names appear on  
1290 the signature sheets, and each of them signed the person's name on the signature sheets in my  
1291 presence;

1292 I believe that each has printed and signed the person's name and written the person's  
1293 street address correctly, and that each signer is registered to vote in Utah or will register to vote  
1294 in Utah before the county clerk certifies the signatures on the signature sheet."

1295 (5) The lieutenant governor shall prepare and make public model nomination petition  
1296 forms and associated instructions.

1297 (6) A nomination petition circulator must be 18 years old and a resident of the State,  
1298 but may affiliate with any political party.

- 1299           (7) It is unlawful for any person to:  
1300           (a) knowingly sign the nomination petition sheet described in Subsection (3):  
1301           (i) with any name other than the person's own name;  
1302           (ii) more than once for the same candidate; or  
1303           (iii) if the person is not registered to vote in this state and does not intend to become  
1304 registered to vote in this state prior to 5 p.m. on the final day in March.  
1305           (b) sign the verification of a certificate of nomination signature sheet described in  
1306 Subsection (4) if the person:  
1307           (i) does not meet the residency requirements of Section [20A-2-105](#);  
1308           (ii) has not witnessed the signing by those persons whose names appear on the  
1309 certificate of nomination signature sheet; or  
1310           (iii) knows that a person whose signature appears on the certificate of nomination  
1311 signature sheet is not registered to vote in this state and does not intend to become registered to  
1312 vote in this state;  
1313           (c) pay compensation to any person to sign a nomination petition.  
1314           (d) pay compensation to any person to circulate a nomination petition, if the  
1315 compensation is based directly on the number of signatures submitted to a filing officer rather  
1316 than on the number of signatures verified or on some other basis.  
1317           (e) Any person violating this Subsection (7) is guilty of a class A misdemeanor.  
1318           (8) Withdrawal of petition signatures shall not be permitted.  
1319           Section 14. Section **20A-9-406** is enacted to read:  
1320           **20A-9-406. Qualified political party -- Requirements and exemptions.**  
1321           (1) The provisions of Subsections [20A-9-403](#)(1) and (2) and Section [20A-9-405](#):  
1322           (a) do not apply to a nomination for a qualified political party; and  
1323           (b) may not be used by an individual to obtain a nomination for a qualified political  
1324 party if the qualified political party chooses to nominate some or all of its candidates in  
1325 accordance with the provisions of Section [20A-9-407](#).  
1326           (2) Notwithstanding Subsection [20A-6-301](#)(1)(a), (1)(g), or (2)(a), each election officer  
1327 shall ensure that a ballot described in Section [20A-6-301](#) includes each person nominated by a  
1328 qualified political party:  
1329           (a) under the qualified political party's name and emblem, if any; or

1330 (b) under the title of the qualified registered political party as designated by each  
1331 qualified political party in that party's certificates of nomination or petition, or, if none is  
1332 designated, then under some suitable title.

1333 (3) Notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for  
1334 paper ballots in regular general elections, that each candidate who is nominated by a qualified  
1335 political party in accordance with Section 20A-9-407 is listed by party.

1336 (4) Notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure  
1337 that the party designation of each candidate who is nominated by a qualified political party in  
1338 accordance with Section 20A-9-407 is printed immediately adjacent to the candidate's name on  
1339 ballot sheets or ballot labels.

1340 (5) Notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure  
1341 that the party designation of each candidate who is nominated by a qualified political party in  
1342 accordance with Section 20A-9-407 is displayed adjacent to the candidate's name on an  
1343 electronic ballot.

1344 (6) "Candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
1345 includes an individual who files a declaration of candidacy under Subsection (10) to run in a  
1346 regular general election for a federal office, constitutional office, multi-county office, or county  
1347 office.

1348 (7) An individual is not required to comply with Subsection 20A-9-201(1)(c) if the  
1349 individual is nominated by, or seeking the nomination of, a qualified political party under  
1350 Section 20A-9-407.

1351 (8) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
1352 candidacy for an individual who is nominated by, or who is seeking the nomination of, a  
1353 qualified political party shall be substantially as follows:

1354 "State of Utah, County of \_\_\_\_\_  
1355 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
1356 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
1357 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
1358 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
1359 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
1360 as required by law; and I understand that failure to do so will result in my disqualification as a

1361 candidate for this office and removal of my name from the ballot. The mailing address that I  
1362 designate for receiving official election notices is \_\_\_\_\_

1363 \_\_\_\_\_

1364 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year). Notary Public (or  
1365 other officer qualified to administer oath.)"

1366 (9) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
1367 20A-9-202(4), an individual who, under Section 20A-9-407 is seeking the nomination of a  
1368 qualified political party for an elective office that is to be filled at the next general election,  
1369 shall:

1370 (a) file a declaration of candidacy in person with the filing officer on or after  
1371 November 15 in the year before the regular general election year and before 5 p.m. on the third  
1372 Thursday in March in the year of the regular general election; and

1373 (b) pay the filing fee.

1374 (10) Notwithstanding Subsection 20A-9-202(2)(a), an individual who, under Section  
1375 20A-9-407 is seeking the nomination of a qualified political party for the office of district  
1376 attorney within a multicounty prosecution district that is to be filled at the next general  
1377 election, shall:

1378 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
1379 agreement creating the prosecution district on or after November 15 in the year before the  
1380 regular general election year and before 5 p.m. on the third Thursday in March in the year of  
1381 the regular general election; and

1382 (b) pay the filing fee.

1383 (11) The lieutenant governor shall ensure that the certification described in Subsection  
1384 20A-9-701(1) also includes the names of each candidate nominated by a qualified political  
1385 party under Section 20A-9-407.

1386 (12) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate  
1387 who is nominated by a qualified political party under Section 20A-9-407, designate the  
1388 qualified political party that nominated the candidate.

1389 Section 15. Section 20A-9-407 is enacted to read:

1390 **20A-9-407. Alternate nomination process for qualified political party.**

1391 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular

1392 primary election day.

1393 (2) (a) Notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and  
1394 Section 20A-9-405, if a qualified political party chooses to use the primary election process  
1395 described in this section to nominate some or all of its candidates, rather than in the manner  
1396 described in Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political  
1397 party shall comply with the requirements of this section.

1398 (b) If a qualified political party complies with the requirements of this section:

1399 (i) the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405 do not  
1400 apply with respect to the qualified political party;

1401 (ii) the provisions of Subsections 20A-9-403(3) through (7) apply with respect to the  
1402 qualified political party, except that the reference in Subsection 20A-9-403(5)(c) to Subsection  
1403 20A-9-403(2)(a)(iii) shall, with respect to the qualified political party, be to Subsection  
1404 20A-9-407(3)(a)(iii); and

1405 (iii) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section  
1406 20A-9-405, the qualified political party is entitled to have the names of its candidates for  
1407 elective office featured with party affiliation on the ballot at a regular general election.

1408 (3) Each qualified political party that wishes to participate in the primary election in  
1409 the manner described in this section, rather than in the manner described in Subsections  
1410 20A-9-403(1) and (2) and Section 20A-9-405, shall certify:

1411 (a) to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered  
1412 year:

1413 (i) the party's intent to participate in the primary election in the manner described in  
1414 this section;

1415 (ii) the identity of one or more registered political parties whose members may vote for  
1416 the qualified political party's candidates; and

1417 (iii) whether the qualified political party chooses to nominate unopposed candidates  
1418 without their name appearing on the ballot, as described in Subsection 20A-9-403(5)(c);

1419 (b) to the lieutenant governor no later than 5 p.m. on the first Monday after the third  
1420 Saturday in April of each even-numbered year, the name and office of all of the qualified  
1421 political party's candidates and indicate which of the candidates will be on the primary ballot;  
1422 and

1423 (c) to the county clerks no later than 5 p.m. on the first Monday after the third Saturday  
 1424 in April of each even-numbered year, the name and office of each of the qualified political  
 1425 party's county candidates and indicate which of the candidates will be on the primary ballot.

1426 Section 16. Section **20A-9-701** is amended to read:

1427 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1428 (1) No later than August 31 of each regular general election year, the lieutenant  
 1429 governor shall certify to each county clerk the names of each candidate~~[, including candidates~~  
 1430 ~~for president and vice president, certified by each registered political party as that party's~~  
 1431 ~~nominees]~~ nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) for offices  
 1432 to be voted upon at the regular general election in that county clerk's county.

1433 (2) The names shall be certified by the lieutenant governor and shall be displayed on  
 1434 the ballot as they are provided on the candidate's declaration of candidacy. No other names  
 1435 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered  
 1436 political party, political party, or other political group.

1436a **Ŝ→ Section 17. Effective date.**

1436b **This bill takes effect on January 1, 2015 ←Ŝ**

**Legislative Review Note**  
 as of 2-3-14 9:55 AM

**Office of Legislative Research and General Counsel**