

Representative Daniel McCay proposes the following substitute bill:

ELECTIONS AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Daniel McCay

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;
- ▶ enacts a severability clause;
- ▶ 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 a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely or permits the



26 designation of an alternate delegate;

27 • does not hold the registered political party's convention before April 1 of an
28 even-numbered year; and

29 • permits a member of the registered political party to seek the registered political
30 party's nomination for any elective office by seeking the nomination through the
31 registered political party's convention process, seeking the nomination by
32 collecting signatures, or both;

33 ▶ modifies provisions and dates relating to a declaration of candidacy;

34 ▶ provides that candidates for elective office shall be nominated in direct primary
35 elections, unless the candidates are listed on the ballot as unaffiliated or are
36 nominated by a qualified political party;

37 ▶ modifies provisions relating to the conduct of a primary election;

38 ▶ describes petition requirements for appearing on a primary election ballot for
39 nomination as a candidate for an identified political party; and

40 ▶ grants rulemaking authority;

41 ▶ describes duties of the lieutenant governor and county clerks in relation to the
42 provisions of this bill;

43 ▶ describes requirements and exceptions for a qualified political party;

44 ▶ describes two alternate nomination procedures for a qualified political party; and

45 ▶ makes technical and conforming changes.

46 **Money Appropriated in this Bill:**

47 None

48 **Other Special Clauses:**

49 This bill takes effect on January 1, 2015.

50 **Utah Code Sections Affected:**

51 AMENDS:

52 **20A-1-102**, as last amended by Laws of Utah 2013, Chapter 320

53 **20A-1-501**, as last amended by Laws of Utah 2013, Chapter 317

54 **20A-5-101**, as last amended by Laws of Utah 2011, Chapters 291 and 292

55 **20A-6-301**, as last amended by Laws of Utah 2012, Chapter 68

56 **20A-6-302**, as last amended by Laws of Utah 2013, Chapter 317

- 57 [20A-6-303](#), as last amended by Laws of Utah 2011, Chapter 292
- 58 [20A-6-304](#), as last amended by Laws of Utah 2011, Chapter 292
- 59 [20A-6-305](#), as enacted by Laws of Utah 2011, Chapter 292
- 60 [20A-9-101](#), as last amended by Laws of Utah 2007, Chapter 329
- 61 [20A-9-201](#), as last amended by Laws of Utah 2013, Chapters 145 and 317
- 62 [20A-9-202](#), as last amended by Laws of Utah 2013, Chapter 317
- 63 [20A-9-403](#), as last amended by Laws of Utah 2013, Chapter 317
- 64 [20A-9-701](#), as last amended by Laws of Utah 2011, Chapter 327

ENACTS:

- 66 [20A-1-103](#), Utah Code Annotated 1953
- 67 [20A-9-405](#), Utah Code Annotated 1953
- 68 [20A-9-406](#), Utah Code Annotated 1953
- 69 [20A-9-407](#), Utah Code Annotated 1953
- 70 [20A-9-408](#), Utah Code Annotated 1953
- 71 [20A-9-409](#), Utah Code Annotated 1953
- 72 [20A-9-410](#), Utah Code Annotated 1953

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

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

76 **20A-1-102. Definitions.**

77 As used in this title:

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

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

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

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

86 [~~5~~] (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

87 (a) contain the names of offices and candidates and statements of ballot propositions to

88 be voted on; and

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

90 ~~[(6)]~~ (5) "Ballot proposition" means a question, issue, or proposal that is submitted to
91 voters on the ballot for their approval or rejection including:

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

93 (b) a constitutional amendment;

94 (c) an initiative;

95 (d) a referendum;

96 (e) a bond proposition;

97 (f) a judicial retention question;

98 (g) an incorporation of a city or town; or

99 (h) any other ballot question specifically authorized by the Legislature.

100 ~~[(4)]~~ (6) "Ballot sheet":

101 (a) means a ballot that:

102 (i) consists of paper or a card where the voter's votes are marked or recorded; and

103 (ii) can be counted using automatic tabulating equipment; and

104 (b) includes punch card ballots and other ballots that are machine-countable.

105 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
106 together with a staple or stitch in at least three places across the top of the paper in the blank
107 space reserved for securing the paper.

108 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
109 [20A-4-306](#) to canvass election returns.

110 (9) "Bond election" means an election held for the purpose of approving or rejecting
111 the proposed issuance of bonds by a government entity.

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

114 (11) "Business reply mail envelope" means an envelope that may be mailed free of
115 charge by the sender.

116 (12) "By-mail voter registration form" means a voter registration form designed to be
117 completed by the voter and mailed to the election officer.

118 (13) "Canvass" means the review of election returns and the official declaration of

119 election results by the board of canvassers.

120 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
121 the canvass.

122 (15) "Contracting election officer" means an election officer who enters into a contract
123 or interlocal agreement with a provider election officer.

124 (16) "Convention" means the political party convention at which party officers and
125 delegates are selected.

126 (17) "Counting center" means one or more locations selected by the election officer in
127 charge of the election for the automatic counting of ballots.

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

130 (19) "Counting poll watcher" means a person selected as provided in Section
131 20A-3-201 to witness the counting of ballots.

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

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

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

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

140 (b) does not include:

141 (i) deadlines established for absentee voting; or

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

144 (23) "Elected official" means:

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

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

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

150 (24) "Election" means a regular general election, a municipal general election, a
151 statewide special election, a local special election, a regular primary election, a municipal
152 primary election, and a local district election.

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

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

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

- 158 (a) preside over other poll workers at a polling place;
- 159 (b) act as the presiding election judge; or
- 160 (c) serve as a canvassing judge, counting judge, or receiving judge.

161 (28) "Election officer" means:

- 162 (a) the lieutenant governor, for all statewide ballots and elections;
- 163 (b) the county clerk for:
 - 164 (i) a county ballot and election; and
 - 165 (ii) a ballot and election as a provider election officer as provided in Section
166 [20A-5-400.1](#) or [20A-5-400.5](#);
- 167 (c) the municipal clerk for:
 - 168 (i) a municipal ballot and election; and
 - 169 (ii) a ballot and election as a provider election officer as provided in Section
170 [20A-5-400.1](#) or [20A-5-400.5](#);
- 171 (d) the local district clerk or chief executive officer for:
 - 172 (i) a local district ballot and election; and
 - 173 (ii) a ballot and election as a provider election officer as provided in Section
174 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 175 (e) the business administrator or superintendent of a school district for:
 - 176 (i) a school district ballot and election; and
 - 177 (ii) a ballot and election as a provider election officer as provided in Section
178 [20A-5-400.1](#) or [20A-5-400.5](#).

179 (29) "Election official" means any election officer, election judge, or poll worker.

180 (30) "Election results" means:

181 (a) for an election other than a bond election, the count of votes cast in the election and
182 the election returns requested by the board of canvassers; or

183 (b) for bond elections, the count of those votes cast for and against the bond
184 proposition plus any or all of the election returns that the board of canvassers may request.

185 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
186 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
187 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
188 form, and the total votes cast form.

189 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
190 device or other voting device that records and stores ballot information by electronic means.

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

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

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

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

197 (a) been sent the notice required by Section [20A-2-306](#); and

198 (b) failed to respond to that notice.

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

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

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

204 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
205 Local Government Entities - Local Districts, and includes a special service district under Title
206 17D, Chapter 1, Special Service District Act.

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

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

211 (42) "Local political subdivision" means a county, a municipality, a local district, or a

212 local school district.

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

216 (44) "Municipal executive" means:

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

218 or

219 (b) the mayor in the council-manager form of government defined in Subsection

220 10-3b-103(6).

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

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

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

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

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

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

233 (51) "Official endorsement" means:

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

235 (i) the ballot as an official ballot;

236 (ii) the date of the election; and

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

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

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

240 (ii) the ballot number.

241 (52) "Official register" means the official record furnished to election officials by the
242 election officer that contains the information required by Section 20A-5-401.

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

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

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

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

251 (55) (a) "Poll worker" means a person assigned by an election official to assist with an
252 election, voting, or counting votes.

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

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

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

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

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

260 ~~[(62)]~~ (59) "Primary convention" means the political party conventions ~~[at which~~
261 ~~nominees for]~~ held during the year of the regular ~~[primary]~~ general election ~~[are selected]~~.

262 ~~[(63)]~~ (60) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

265 ~~[(59)]~~ (61) "Provider election officer" means an election officer who enters into a
266 contract or interlocal agreement with a contracting election officer to conduct an election for
267 the contracting election officer's local political subdivision in accordance with Section
268 [20A-5-400.1](#).

269 ~~[(60)]~~ (62) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

273 ~~[(61)]~~ (63) "Provisional ballot envelope" means an envelope printed in the form

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

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

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

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

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

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

287 (69) "Regular primary election" means the election on the fourth Tuesday of June of
288 each even-numbered year, to nominate candidates of political parties and ~~[nonpolitical groups]~~
289 candidates for nonpartisan local school board positions to advance to the regular general
290 election.

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

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

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

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

299 (74) "Special election" means an election held as authorized by Section 20A-1-203.

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

301 (a) is spoiled by the voter;

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

303 (c) lacks the official endorsement.

304 (76) "Statewide special election" means a special election called by the governor or the

305 Legislature in which all registered voters in Utah may vote.

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

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

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

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

313 (81) "Vacancy" means the absence of a person to serve in any position created by
314 statute, whether that absence occurs because of death, disability, disqualification, resignation,
315 or other cause.

316 (82) "Valid voter identification" means:

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

319 (i) a currently valid Utah driver license;

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

321 (A) the state; or

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

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

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

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

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

328 (i) a valid tribal identification card;

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

330 (iii) a tribal treaty card; or

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

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

- 336 (ii) a bank or other financial account statement, or a legible copy thereof;
- 337 (iii) a certified birth certificate;
- 338 (iv) a valid Social Security card;
- 339 (v) a check issued by the state or the federal government or a legible copy thereof;
- 340 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 341 (vii) a currently valid Utah hunting or fishing license;
- 342 (viii) certified naturalization documentation;
- 343 (ix) a currently valid license issued by an authorized agency of the United States;
- 344 (x) a certified copy of court records showing the voter's adoption or name change;
- 345 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 346 (xii) a currently valid identification card issued by:
 - 347 (A) a local government within the state;
 - 348 (B) an employer for an employee; or
 - 349 (C) a college, university, technical school, or professional school located within the
 - 350 state; or
- 351 (xiii) a current Utah vehicle registration.
- 352 (83) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 353 candidate by following the procedures and requirements of this title.
- 354 (84) "Voter" means a person who:
 - 355 (a) meets the requirements for voting in an election;
 - 356 (b) meets the requirements of election registration;
 - 357 (c) is registered to vote; and
 - 358 (d) is listed in the official register book.
- 359 (85) "Voter registration deadline" means the registration deadline provided in Section
- 360 [20A-2-102.5](#).
- 361 (86) "Voting area" means the area within six feet of the voting booths, voting
- 362 machines, and ballot box.
- 363 (87) "Voting booth" means:
 - 364 (a) the space or compartment within a polling place that is provided for the preparation
 - 365 of ballots, including the voting machine enclosure or curtain; or
 - 366 (b) a voting device that is free standing.

367 (88) "Voting device" means:

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

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

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

373 (d) an automated voting system under Section 20A-5-302; or

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

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

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

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

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

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

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

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

389 Section 2. Section 20A-1-103 is enacted to read:

390 **20A-1-103. Severability clause.**

391 If any provision of 2014 General Session S.B. 54 or the application of any provision of
392 2014 General Session S.B. 54 to any person or circumstance is held invalid by a final decision
393 of a court of competent jurisdiction, the remainder of 2014 General Session S.B. 54 shall be
394 given effect without the invalid provision or application. The provisions of 2014 General
395 Session S.B. 54 are severable.

396 Section 3. Section 20A-1-501 is amended to read:

397 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

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

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

410 (ii) one or both:

411 (A) dies;

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

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

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

420 (i) dies;

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

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

424 or

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

426 or

427 (c) for a registered political party with a candidate certified as winning a primary
428 election, after the deadline described in Subsection (1)(a) and continuing through the day

429 before that day on which the lieutenant governor makes the certification described in Section
430 [20A-5-409](#), the party's candidate:

431 (i) dies;

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

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

435 or

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

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

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

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

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

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

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

453 **20A-5-101. Notice of election.**

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

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

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

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

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

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

466 (i) publish a notice:

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

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

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

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

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

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

476 (ii) identify the dates for filing a declaration of candidacy for those offices.

477 (3) Before each election, the election officer shall give written or printed notice of:

478 (a) the date and place of election;

479 (b) the hours during which the polls will be open;

480 (c) the polling places for each voting precinct;

481 (d) an election day voting center designated under Section 20A-3-703; and

482 (e) the qualifications for persons to vote in the election.

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

485 (a) in a newspaper of general circulation common to the area or in which the election is
486 being held; and

487 (b) as required in Section 45-1-101.

488 Section 5. Section 20A-6-301 is amended to read:

489 **20A-6-301. Paper ballots -- Regular general election.**

490 (1) Each election officer shall ensure that:

- 491 (a) all paper ballots furnished for use at the regular general election contain:
- 492 (i) no captions or other endorsements except as provided in this section;
- 493 (ii) no symbols, markings, or other descriptions of a political party or group, except for
- 494 a registered political party that has chosen to nominate its candidates in accordance with
- 495 Section 20A-9-403; and
- 496 (iii) no indication that a candidate for elective office has been nominated by, or has
- 497 been endorsed by, or is in any way affiliated with a political party or group, unless the
- 498 candidate has been nominated by a registered political party in accordance with Subsection
- 499 20A-9-202(4) or Subsection 20A-9-403(5).
- 500 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
- 501 top of the ballot, and divided from the rest of ballot by a perforated line;
- 502 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
- 503 stub; and
- 504 (iii) ballot stubs are numbered consecutively;
- 505 (c) immediately below the perforated ballot stub, the following endorsements are
- 506 printed in 18 point bold type:
- 507 (i) "Official Ballot for ____ County, Utah";
- 508 (ii) the date of the election; and
- 509 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 510 (d) each ticket is placed in a separate column on the ballot in the order specified under
- 511 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
- 512 column;
- 513 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
- 514 high;
- 515 (f) a circle one-half inch in diameter is printed immediately below the party name or
- 516 title, and the top of the circle is placed not less than two inches below the perforated line;
- 517 (g) unaffiliated candidates [~~and~~], candidates not affiliated with a registered political
- 518 party, and all other candidates for elective office who were not nominated by a registered
- 519 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are
- 520 listed in one column in the order specified under Section 20A-6-305, without a party circle,
- 521 with the following instructions printed at the head of the column: "All candidates not affiliated

522 with a political party are listed below. They are to be considered with all offices and
523 candidates listed to the left. Only one vote is allowed for each office.";

524 (h) the columns containing the lists of candidates, including the party name and device,
525 are separated by heavy parallel lines;

526 (i) the offices to be filled are plainly printed immediately above the names of the
527 candidates for those offices;

528 (j) the names of candidates are printed in capital letters, not less than one-eighth nor
529 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
530 lines or rules three-eighths of an inch apart;

531 (k) a square with sides measuring not less than one-fourth of an inch in length is
532 printed immediately adjacent to the name of each candidate;

533 (l) for the offices of president and vice president and governor and lieutenant governor,
534 one square with sides measuring not less than one-fourth of an inch in length is printed on the
535 same side as but opposite a double bracket enclosing the names of the two candidates;

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

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

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

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

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

551 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
552 to the write-in ticket with the word "NONPARTISAN" in reverse type in an 18 point solid rule

553 running vertically the full length of the nonpartisan ballot copy; and

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

556 (2) Each election officer shall ensure that:

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

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

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

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

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

568 (d) the ballots contain no other names.

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

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

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

574 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
575 which the voter may vote)" extend to the extreme right of the column;

576 (d) the nonpartisan candidates are grouped according to the office for which they are
577 candidates;

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

580 (f) each group is preceded by the designation of the office for which the candidates
581 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of
582 candidates for which the voter may vote)," according to the number to be elected.

583 (4) Each election officer shall ensure that:

584 (a) proposed amendments to the Utah Constitution are listed on the ballot in
585 accordance with Section 20A-6-107;
586 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
587 with Section 20A-6-107; and
588 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
589 title assigned to each bond proposition under Section 11-14-206.

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

591 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

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

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

598 (c) the names of candidates are placed on the ballot in the order specified under Section
599 20A-6-305.

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

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

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

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

614 (e) If no qualified person files for the office of county attorney or if the candidate is not

615 elected by the voters, the county legislative body shall appoint the county attorney as provided
616 in Section [20A-1-509.2](#).

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

623 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

624 (ii) contains the signatures of registered voters in the county representing in number at
625 least 25% of all votes cast in the county for all candidates for governor at the last election at
626 which a governor was elected.

627 (3) (a) When there is only one candidate for district attorney at the regular general
628 election in a prosecution district that has three or fewer registered voters of the district who are
629 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
630 that candidate's name and party affiliation, if any, to be placed on a separate section of the
631 ballot with the following question: "Shall (name of candidate) be elected to the office of district
632 attorney? Yes ____ No ____."

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

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

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

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

644 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
645 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the

646 two consecutive terms immediately preceding the term for which the candidate is seeking
647 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an
648 unopposed candidate the same as any other unopposed candidate for another office, unless a
649 petition is filed with the county clerk before the date of that year's primary election that:

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

654 Section 7. Section **20A-6-303** is amended to read:

655 **20A-6-303. Regular general election -- Ballot sheets.**

656 (1) Each election officer shall ensure that:

- 657 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
658 approximately the same order as paper ballots;
- 659 (b) the titles of offices and the names of candidates are printed in vertical columns or in
660 a series of separate pages;
- 661 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
662 include, after the list of candidates:
 - 663 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
 - 664 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 665 (d) (i) a voting square or position is included where the voter may record a straight
666 party ticket vote for all the candidates of one party by one mark or punch; and
667 (ii) the name of each political party listed in the straight party selection area includes
668 the word "party" at the end of the party's name;
- 669 (e) the tickets are printed in the order specified under Section [20A-6-305](#);
- 670 (f) the office titles are printed immediately adjacent to the names of candidates so as to
671 indicate clearly the candidates for each office and the number to be elected;
- 672 (g) the party designation of each candidate who has been nominated by a registered
673 political party under Subsection [20A-9-202](#)(4) or Subsection [20A-9-403](#)(5) is printed
674 immediately adjacent to the candidate's name; and
- 675 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
676 page;

677 (ii) if all candidates for one office cannot be listed in one column or grouped on one
678 page:

679 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
680 candidates is continued on the following column or page; and

681 (B) approximately the same number of names shall be printed in each column or on
682 each page.

683 (2) Each election officer shall ensure that:

684 (a) proposed amendments to the Utah Constitution are listed in accordance with
685 Section [20A-6-107](#);

686 (b) ballot propositions submitted to the voters are listed in accordance with Section
687 [20A-6-107](#); and

688 (c) bond propositions that have qualified for the ballot are listed under the title
689 assigned to each bond proposition under Section [11-14-206](#).

690 Section 8. Section **20A-6-304** is amended to read:

691 **20A-6-304. Regular general election -- Electronic ballots.**

692 (1) Each election officer shall ensure that:

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

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

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

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

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

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

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

704 (e) the tickets are displayed in the order specified under Section [20A-6-305](#);

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

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

708 political party under Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#) is displayed
709 adjacent to the candidate's name; and

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

712 (2) Each election officer shall ensure that:

713 (a) proposed amendments to the Utah Constitution are displayed in accordance with
714 Section [20A-6-107](#);

715 (b) ballot propositions submitted to the voters are displayed in accordance with Section
716 [20A-6-107](#); and

717 (c) bond propositions that have qualified for the ballot are displayed under the title
718 assigned to each bond proposition under Section [11-14-206](#).

719 Section 9. Section **20A-6-305** is amended to read:

720 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
721 **Publication -- Surname -- Exemptions.**

722 (1) As used in this section, "master ballot position list" means an official list of the 26
723 characters in the alphabet listed in random order and numbered from one to 26 as provided
724 under Subsection (2).

725 (2) The lieutenant governor shall:

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

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

733 (c) establish written procedures for:

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

735 (ii) the lieutenant governor in:

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

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

738 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an

739 election officer shall use the master ballot position list for the current year to determine the
740 order in which to list candidates on the ballot for an election held during the year.

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

743 (a) the candidate's surname;

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

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

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

750 (5) This section does not apply to:

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

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

753 Section 10. Section **20A-9-101** is amended to read:

754 **20A-9-101. Definitions.**

755 As used in this chapter:

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

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

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

762 (ii) presidential elector;

763 (iii) any political party offices; and

764 (iv) municipal or local district offices.

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

767 (3) "Continuing political party" is as defined in Section [20A-8-101](#).

768 [~~3~~] (4) (a) "County office" means an elective office where the office holder is selected
769 by voters entirely within one county.

- 770 (b) "County office" does not mean:
- 771 (i) the office of justice or judge of any court of record or not of record;
- 772 (ii) the office of presidential elector;
- 773 (iii) any political party offices;
- 774 (iv) any municipal or local district offices; and
- 775 (v) the office of United States Senator and United States Representative.
- 776 ~~[(4)]~~ (5) "Federal office" means an elective office for United States Senator and United
- 777 States Representative.
- 778 ~~[(5)]~~ (6) "Filing officer" means:
- 779 (a) the lieutenant governor, for:
- 780 ~~[(i) offices whose political division contains territory in two or more counties;]~~
- 781 ~~[(ii)]~~ (i) the office of United States Senator and United States Representative; and
- 782 ~~[(iii)]~~ (ii) all constitutional offices;
- 783 (b) the county clerk, for county offices and local school district offices, and the county
- 784 clerk in the filer's county of residence, for multi-county offices;
- 785 (c) the city or town clerk, for municipal offices; and
- 786 (d) the local district clerk, for local district offices.
- 787 ~~[(6)]~~ (7) "Local district office" means an elected office in a local district.
- 788 ~~[(7)]~~ (8) "Local government office" includes county offices, municipal offices, and
- 789 local district offices and other elective offices selected by the voters from a political division
- 790 entirely within one county.
- 791 ~~[(8)]~~ (9) (a) "Multi-county office" means an elective office where the office holder is
- 792 selected by the voters from more than one county.
- 793 (b) "Multi-county office" does not mean:
- 794 (i) a county office;
- 795 (ii) a federal office;
- 796 (iii) the office of justice or judge of any court of record or not of record;
- 797 (iv) the office of presidential elector;
- 798 (v) any political party offices; and
- 799 (vi) any municipal or local district offices.
- 800 ~~[(9)]~~ (10) "Municipal office" means an elective office in a municipality.

801 ~~[(10)]~~ (11) (a) "Political division" means a geographic unit from which an office holder
802 is elected and that an office holder represents.

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

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

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

808 (b) (i) permits a delegate for the registered political party to vote on a candidate
809 nomination in the registered political party's convention remotely; or

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

812 (c) does not hold the registered political party's convention before April 1 of an
813 even-numbered year;

814 (d) permits a member of the registered political party to seek the registered political
815 party's nomination for any elective office by the member choosing to seek the nomination by
816 either or both of the following methods:

817 (i) seeking the nomination through the registered political party's convention process,
818 in accordance with the provisions of Section [20A-9-407](#); or

819 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
820 of Section [20A-9-408](#); and

821 (e) no later than 5 p.m. on September 30 of an odd numbered year, certifies to the
822 lieutenant governor that, for the election in the following year, the registered political party
823 intends to nominate the registered political party's candidates in accordance with the provisions
824 of Sections [20A-9-407](#) and [20A-9-408](#).

825 Section 11. Section **20A-9-201** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

853 (B) require the candidate to state whether or not the candidate meets those
854 requirements.

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

857 (A) a United States citizen;

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

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

861 (D) a current resident of the county in which the person is seeking office and either has
862 been a resident of that county for at least one year or was appointed and is currently serving as

863 county attorney and became a resident of the county within 30 days after appointment to the
864 office.

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

868 (A) a United States citizen;

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

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

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

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

879 (A) as of the date of filing:

880 (I) is a United States citizen;

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

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

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

886 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
887 53-13-103; and

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

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

893 (A) that the person filing the declaration of candidacy also files the financial disclosure

894 required by Section 20A-11-1603; and

895 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
896 provided to the lieutenant governor according to the procedures and requirements of Section
897 20A-11-1603.

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

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

903 (i) inform the candidate that:

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

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

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

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

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

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

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

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

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

922 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

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

936 "State of Utah, County of _____

937 I, _____, declare my [~~intention of becoming a candidate~~] candidacy
938 for the office of _____ [~~as a candidate for~~], seeking the nomination of the _____ party,
939 which is my preferred political party affiliation. I do solemnly swear that: I will meet
940 the qualifications to hold the office, both legally and constitutionally, if selected; I
941 reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No.
942 _____; I will not knowingly violate any law governing campaigns and elections; I will
943 file all campaign financial disclosure reports as required by law; and I understand that
944 failure to do so will result in my disqualification as a candidate for this office and
945 removal of my name from the ballot. The mailing address that I designate for receiving
946 official election notices is _____.

947 _____

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

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

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

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

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

955 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the

956 person holding the office for all other federal, state, and county offices.

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

959 (i) who is disqualified; or

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

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

963 (ii) The lieutenant governor shall:

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

966 (B) ensure that each county receives that proportion of the total amount paid to the
967 lieutenant governor from the congressional district that the total vote of that county for all
968 candidates for representative in Congress bears to the total vote of all counties within the
969 congressional district for all candidates for representative in Congress.

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

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

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

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

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

983 "Affidavit of Impecuniosity

984 Individual Name

985 _____ Address _____

986 Phone Number _____

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

990 Date _____ Signature _____

991 Affiant

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

993 _____
994 (signature)

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

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

999 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1000 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1001 penalties, will be removed from the ballot."

1002 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1003 under this Subsection (5)(d) file a financial statement on a form prepared by the election
1004 official.

1005 (6) (a) If there is no legislative appropriation for the Western States Presidential
1006 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
1007 president of the United States who is affiliated with a registered political party and chooses to
1008 participate in the regular primary election shall:

1009 (i) file a declaration of candidacy, in person or via a designated agent, with the
1010 lieutenant governor:

1011 (A) on a form developed and provided by the lieutenant governor; and

1012 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
1013 March before the next regular primary election;

1014 (ii) identify the registered political party whose nomination the candidate is seeking;

1015 (iii) provide a letter from the registered political party certifying that the candidate may
1016 participate as a candidate for that party in that party's presidential primary election; and

1017 (iv) pay the filing fee of \$500.

1018 (b) An agent designated to file a declaration of candidacy may not sign the form
1019 described in Subsection (6)(a)(i)(A).

1020 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
1021 within the time provided in this chapter is ineligible for nomination to office.

1022 (8) A declaration of candidacy filed under this section may not be amended or
1023 modified after the final date established for filing a declaration of candidacy.

1024 Section 12. Section **20A-9-202** is amended to read:

1025 **20A-9-202. Declarations of candidacy for regular general elections.**

1026 (1) (a) Each person seeking to become a candidate for an elective office [~~for any county~~
1027 ~~office~~] that is to be filled at the next regular general election shall:

1028 (i) file a declaration of candidacy in person with the [~~county clerk on or after the~~
1029 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~
1030 ~~regular general election~~] filing officer on or after January 1 of the regular general election year,
1031 and before the candidate circulates nomination petitions under Section [20A-9-405](#); and

1032 (ii) pay the filing fee.

1033 [~~(b) Each person intending to become a candidate for any legislative office or~~
1034 ~~multicounty office that is to be filled at the next regular general election shall:]~~

1035 [~~(i) file a declaration of candidacy in person with either the lieutenant governor or the~~
1036 ~~county clerk in the candidate's county of residence on or after the second Friday in March and~~
1037 ~~before 5 p.m. on the third Thursday in March before the next regular general election; and]~~

1038 [~~(ii) pay the filing fee.]~~

1039 [~~(c)-(i)~~] (b) Each county clerk who receives a declaration of candidacy from a candidate
1040 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
1041 candidacy to the lieutenant governor within one working day after it is filed.

1042 [~~(ii)~~] (c) Each day during the filing period, each county clerk shall notify the lieutenant
1043 governor electronically or by telephone of [~~legislative~~] candidates who have filed in their
1044 office.

1045 [~~(d) Each person seeking to become a candidate for elective office for any federal~~
1046 ~~office or constitutional office that is to be filled at the next regular general election shall]:~~

1047 [~~(i) file a declaration of candidacy in person with the lieutenant governor on or after the~~
1048 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~

1049 ~~regular general election; and]~~

1050 ~~[(ii) pay the filing fee.]~~

1051 ~~[(e)]~~ (d) Each person seeking the office of lieutenant governor, the office of district
1052 attorney, or the office of president or vice president of the United States shall comply with the
1053 specific declaration of candidacy requirements established by this section.

1054 (2) (a) Each person intending to become a candidate for the office of district attorney
1055 within a multicounty prosecution district that is to be filled at the next regular general election
1056 shall:

1057 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1058 creating the prosecution district on or after ~~[the second Friday in March and before 5 p.m. on~~
1059 ~~the third Thursday in March before the next regular general election]~~ January 1 of the regular
1060 general election year, and before the candidate circulates nomination petitions under Section
1061 20A-9-405; and

1062 (ii) pay the filing fee.

1063 (b) The designated clerk shall provide to the county clerk of each county in the
1064 prosecution district a certified copy of each declaration of candidacy filed for the office of
1065 district attorney.

1066 (3) (a) ~~[Within five working days of nomination]~~ On or before 5 p.m. on the first
1067 Monday after the third Saturday in April, each lieutenant governor candidate shall:

1068 (i) file a declaration of candidacy with the lieutenant governor; ~~[and]~~

1069 (ii) pay the filing fee~~[-]; and~~

1070 (iii) submit a letter from a candidate for governor who has received certification for the
1071 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
1072 as a joint-ticket running mate.

1073 (b) ~~[(i)]~~ Any candidate for lieutenant governor who fails to timely file ~~[within five~~
1074 ~~working days]~~ is disqualified. ~~[(ii)]~~ If a lieutenant governor is disqualified, another candidate
1075 shall ~~[be nominated]~~ file to replace the disqualified candidate.

1076 (4) Each registered political party shall:

1077 (a) certify the names of its candidates for president and vice president of the United
1078 States to the lieutenant governor no later than August 31; or

1079 (b) provide written authorization for the lieutenant governor to accept the certification

1080 of candidates for president and vice president of the United States from the national office of
1081 the registered political party.

1082 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1083 objection is filed with the clerk or lieutenant governor within five days after the last day for
1084 filing.

1085 (b) If an objection is made, the clerk or lieutenant governor shall:

1086 (i) mail or personally deliver notice of the objection to the affected candidate
1087 immediately; and

1088 (ii) decide any objection within 48 hours after it is filed.

1089 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1090 problem by amending the declaration or petition within three days after the objection is
1091 sustained or by filing a new declaration within three days after the objection is sustained.

1092 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1093 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1094 by a district court if prompt application is made to the court.

1095 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1096 of its discretion, agrees to review the lower court decision.

1097 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1098 filing a written affidavit with the clerk.

1099 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
1100 in this section to file a declaration of candidacy in person, a person may designate an agent to
1101 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

1102 (a) the person is located outside the state during the filing period because:

1103 (i) of employment with the state or the United States; or

1104 (ii) the person is a member of:

1105 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1106 Coast Guard of the United States who is on active duty;

1107 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1108 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1109 States; or

1110 (C) the National Guard on activated status;

1111 (b) the person communicates with the filing officer using an electronic device that
1112 allows the person and filing officer to see and hear each other; and

1113 (c) the person provides the filing officer with an email address to which the filing
1114 officer may send the copies described in Subsection 20A-9-201(3).

1115 Section 13. Section 20A-9-403 is amended to read:

1116 **20A-9-403. Regular primary elections.**

1117 (1) (a) Candidates for elective office that are to be filled at the next regular general
1118 election shall be nominated in a regular primary election by direct vote of the people in the
1119 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
1120 designated as regular primary election day. Nothing in this section shall affect a candidate's
1121 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
1122 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
1123 Section 20A-9-601.

1124 (b) Each registered political party that chooses to [~~use the primary election process to~~
1125 ~~nominate some or all~~] have the names of its candidates for elective office featured with party
1126 affiliation on the ballot at a regular general election shall comply with the requirements of this
1127 section and shall nominate its candidates for elective office in the manner prescribed in this
1128 section.

1129 (c) A filing officer may not permit an official ballot at a regular general election to be
1130 produced or used if the ballot denotes affiliation between a registered political party or any
1131 other political group and a candidate for elective office who was not nominated in the manner
1132 prescribed in this section or in Subsection 20A-9-202(4).

1133 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1134 even-numbered year in which a regular general election will be held.

1135 (2) (a) [~~As a condition for using the state's election system, each~~] Each registered
1136 political party [~~that wishes to participate in the primary election~~], in a statement filed with the
1137 lieutenant governor, shall:

1138 (i) either declare their intent to participate in the next regular primary election or
1139 declare that the registered political party chooses not to have the names of its candidates for
1140 elective office featured on the ballot at the next regular general election;

1141 (ii) if the registered political party participates in the upcoming regular primary

1142 election, identify one or more registered political parties whose members may vote for the
1143 registered political party's candidates and whether or not persons identified as unaffiliated with
1144 a political party may vote for the registered political party's candidates; and

1145 ~~[(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1~~
1146 ~~of each even-numbered year.]~~

1147 ~~[(b) As a condition for using the state's election system, each registered political party~~
1148 ~~that wishes to participate in the primary election shall:]~~

1149 ~~[(i) certify the name and office of all of the registered political party's candidates to the~~
1150 ~~lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of~~
1151 ~~each even-numbered year and indicate which of the candidates will be on the primary ballot;~~
1152 ~~and]~~

1153 ~~[(ii) certify the name and office of each of its county candidates to the county clerks by~~
1154 ~~5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and~~
1155 ~~indicate which of the candidates will be on the primary ballot.]~~

1156 ~~[(c) By 5 p.m. on the first Wednesday after the third Saturday in April of each~~
1157 ~~even-numbered year, the lieutenant governor shall send the county clerks a certified list of the~~
1158 ~~names of all statewide candidates, multicounty candidates, or single county candidates that~~
1159 ~~shall be printed on the primary ballot and the order the candidates are to appear on the ballot in~~
1160 ~~accordance with Section 20A-6-305.]~~

1161 ~~[(d) Except for presidential candidates, if a registered political party does not wish to~~
1162 ~~participate in the primary election, it shall submit the names of its county candidates to the~~
1163 ~~county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May~~
1164 ~~30 of each even-numbered year.]~~

1165 (iii) if the registered political party participates in the upcoming regular primary
1166 election, indicate whether it chooses to nominate unopposed candidates without their name
1167 appearing on the ballot, as described under Subsection (5)(c).

1168 (b) A registered political party that is a continuing political party must file the
1169 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1170 November 15 of each odd-numbered year. An organization that is seeking to become a
1171 registered political party under Section 20A-8-103 must file the statement described in
1172 Subsection (2)(b) no later than 5 p.m. on February 15.

1173 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a
1174 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
1175 office on the regular primary ballot of the registered political party listed on the declaration of
1176 candidacy only if the person is certified by the appropriate filing officer as having submitted a
1177 set of nomination petitions that was:

1178 (i) circulated and completed in accordance with Section 20A-9-405; and
1179 (ii) signed by at least two percent of the registered political party's members who reside
1180 in the political division of the office that the person seeks.

1181 (b) A candidate for elective office shall submit nomination petitions to the appropriate
1182 filing officer for verification and certification no later than 5 p.m. on the final day in March.
1183 Candidates may supplement their submissions at any time on or before the filing deadline.

1184 (c) The lieutenant governor shall determine for each elective office the total number of
1185 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
1186 of persons residing in each elective office's political division who have designated a particular
1187 registered political party on their voter registration forms as of November 1 of each
1188 odd-numbered year. The lieutenant governor shall publish this determination for each elective
1189 office no later than November 15 of each odd-numbered year.

1190 (d) The filing officer shall:

1191 (i) verify signatures on nomination petitions in a transparent and orderly manner;
1192 (ii) for all qualifying candidates for elective office who submitted nomination petitions
1193 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
1194 the first Monday after the third Saturday in April;

1195 (iii) consider active and inactive voters eligible to sign nomination petitions;

1196 (iv) consider a person who signs a nomination petition a member of a registered
1197 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
1198 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.
1199 on the final day in March; and

1200 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1201 petition signatures, or use statistical sampling procedures to verify submitted nomination
1202 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).

1203 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant

1204 governor may appear on the regular primary ballot of a registered political party without
1205 submitting nomination petitions if the candidate files a declaration of candidacy and complies
1206 with Subsection 20A-9-202(3).

1207 (f) The lieutenant governor shall issue rules that provide for the use of statistical
1208 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The
1209 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a
1210 candidate's entire submission, using widely recognized statistical sampling techniques. The
1211 lieutenant governor may also issue supplemental rules and guidance that provide for the
1212 transparent, orderly, and timely submission, verification, and certification of nomination
1213 petition signatures.

1214 ~~(g)~~ (g) The county clerk shall:

1215 ~~(a)~~ (i) review the declarations of candidacy filed by candidates for local boards of
1216 education to determine if more than two candidates have filed for the same seat;

1217 ~~(b)~~ (ii) place the names of all candidates who have filed a declaration of candidacy
1218 for a local board of education seat on the nonpartisan section of the ballot if more than two
1219 candidates have filed for the same seat; and

1220 ~~(c)~~ (iii) determine the order of the local board of education candidates' names on the
1221 ballot in accordance with Section 20A-6-305.

1222 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1223 governor shall provide to the county clerks:

1224 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
1225 county offices who have received certifications under Subsection (3), along with instructions
1226 on how those names shall appear on the primary-election ballot in accordance with Section
1227 20A-6-305; and

1228 (ii) a list of unopposed candidates for elective office who have been nominated by a
1229 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
1230 candidates from the primary-election ballot.

1231 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1232 joint-ticket running mates shall appear jointly on the primary-election ballot.

1233 ~~(4)~~ (c) After the county clerk receives the certified list from ~~[a registered political~~
1234 ~~party]~~ the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a

1235 primary election notice in substantially the following form:

1236 "Notice is given that a primary election will be held Tuesday, June ____,
1237 _____(year), to nominate party candidates for the parties and [~~nonpartisan offices~~]
1238 candidates for nonpartisan local school board positions listed on the primary ballot. The
1239 polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open
1240 until 8 p.m. of the same day. Attest: county clerk."

1241 (5) (a) Candidates, other than presidential candidates, receiving the highest number of
1242 votes cast for each office at the regular primary election are nominated by their registered
1243 political party [~~or nonpartisan group~~] for that office or are nominated as a candidate for a
1244 nonpartisan local school board position.

1245 (b) If two or more candidates, other than presidential candidates, are to be elected to
1246 the office at the regular general election, those party candidates equal in number to positions to
1247 be filled who receive the highest number of votes at the regular primary election are the
1248 nominees of their party for those positions.

1249 (c) A candidate who is unopposed for an elective office in the regular primary election
1250 of a registered political party is nominated by the party for that office without appearing on the
1251 primary ballot, provided that the party has chosen to nominate unopposed candidates under
1252 Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has
1253 received a certification under Subsection (3) for the regular primary election ballot of the
1254 candidate's registered political party for a particular elective office.

1255 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1256 office that represents more than one county, the governor, lieutenant governor, and attorney
1257 general shall, at a public meeting called by the governor and in the presence of the candidates
1258 involved, select the nominee by lot cast in whatever manner the governor determines.

1259 (b) When a tie vote occurs in any primary election for any county office, the district
1260 court judges of the district in which the county is located shall, at a public meeting called by
1261 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1262 whatever manner the judges determine.

1263 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1264 primary election provided for by this section, and all expenses necessarily incurred in the
1265 preparation for or the conduct of that primary election shall be paid out of the treasury of the

1266 county or state, in the same manner as for the regular general elections.

1267 Section 14. Section **20A-9-405** is enacted to read:

1268 **20A-9-405. Nomination petitions for regular primary elections.**

1269 (1) This section shall apply to the form and circulation of nomination petitions for
1270 regular primary elections described in Subsection 20A-9-403(3)(a).

1271 (2) A candidate for elective office, and the agents of the candidate, may not circulate
1272 nomination petitions until the candidate has submitted a declaration of candidacy in accordance
1273 with Subsection 20A-9-202(1).

1274 (3) The nomination petitions shall be in substantially the following form:

1275 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

1276 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the
1277 space above that line blank for purposes of binding;

1278 (c) the petition shall be headed by a caption stating the purpose of the petition and the
1279 name of the proposed candidate;

1280 (d) the petition shall feature the word "Warning" followed by the following statement
1281 in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to
1282 knowingly sign a certificate of nomination signature sheet with any name other than the
1283 person's own name or more than once for the same candidate or if the person is not registered
1284 to vote in this state and does not intend to become registered to vote in this state before
1285 signatures are certified by a filing officer.";

1286 (e) the petition shall feature ten lines spaced one-half inch apart and consecutively
1287 numbered one through ten;

1288 (f) the signature portion of the petition shall be divided into columns headed by the
1289 following titles:

1290 (i) Registered Voter's Printed Name;

1291 (ii) Signature of Registered Voter;

1292 (iii) Party Affiliation of Registered Voter;

1293 (iv) Birth Date or Age (Optional);

1294 (v) Street Address, City, Zip Code; and

1295 (vi) Date of Signature; and

1296 (g) a photograph of the candidate may appear on the nomination petition.

1297 (4) If one or more nomination petitions are bound together, a page shall be bound to
1298 the nomination petition(s) that features the following printed verification statement to be signed
1299 and dated by the petition circulator:

1300 "Verification

1301 State of Utah, County of _____

1302 I, _____, of _____, hereby state under that:

1303 I am a Utah resident and am at least 18 years old;

1304 All the names that appear on the signature sheets bound to this page were, to the best of
1305 my knowledge, signed by the persons who professed to be the persons whose names appear on
1306 the signature sheets, and each of them signed the person's name on the signature sheets in my
1307 presence;

1308 I believe that each has printed and signed the person's name and written the person's
1309 street address correctly, and that each signer is registered to vote in Utah or will register to vote
1310 in Utah before the county clerk certifies the signatures on the signature sheet."

1311 (5) The lieutenant governor shall prepare and make public model nomination petition
1312 forms and associated instructions.

1313 (6) A nomination petition circulator must be at least 18 years old and a resident of the
1314 State, but may affiliate with any political party.

1315 (7) It is unlawful for any person to:

1316 (a) knowingly sign the nomination petition sheet described in Subsection (3):

1317 (i) with any name other than the person's own name;

1318 (ii) more than once for the same candidate; or

1319 (iii) if the person is not registered to vote in this state and does not intend to become
1320 registered to vote in this state prior to 5 p.m. on the final day in March;

1321 (b) sign the verification of a certificate of nomination signature sheet described in
1322 Subsection (4) if the person:

1323 (i) does not meet the residency requirements of Section [20A-2-105](#);

1324 (ii) has not witnessed the signing by those persons whose names appear on the
1325 certificate of nomination signature sheet; or

1326 (iii) knows that a person whose signature appears on the certificate of nomination
1327 signature sheet is not registered to vote in this state and does not intend to become registered to

1328 vote in this state;

1329 (c) pay compensation to any person to sign a nomination petition; or

1330 (d) pay compensation to any person to circulate a nomination petition, if the

1331 compensation is based directly on the number of signatures submitted to a filing officer rather

1332 than on the number of signatures verified or on some other basis.

1333 (8) Any person violating Subsection (7) is guilty of a class A misdemeanor.

1334 (9) Withdrawal of petition signatures shall not be permitted.

1335 Section 15. Section **20A-9-406** is enacted to read:

1336 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1337 The following provisions apply to a qualified political party:

1338 (1) the qualified political party shall certify to the lieutenant governor no later than 5

1339 p.m. on March 1 of each even-numbered year:

1340 (a) the identity of one or more registered political parties whose members may vote for
1341 the qualified political party's candidates; and

1342 (b) whether the qualified political party chooses to nominate unopposed candidates
1343 without the names of the candidates appearing on the ballot, as described in Subsection

1344 20A-9-403(5)(c);

1345 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
1346 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified

1347 political party;

1348 (3) an individual may only obtain a nomination for the qualified political party by using
1349 a method described in Section 20A-9-407, Section 20A-9-408, or both;

1350 (4) the qualified political party shall comply with the provisions of Sections
1351 20A-9-407, 20A-9-408, and 20A-9-409;

1352 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
1353 shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a

1354 qualified political party under Section 20A-9-407 or 20A-9-408:

1355 (a) under the qualified political party's name and emblem, if any; or

1356 (b) under the title of the qualified registered political party as designated by the
1357 qualified political party in the certification described in Subsection (1), or, if none is

1358 designated, then under some suitable title;

1359 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
1360 paper ballots in regular general elections, that each candidate who is nominated by the qualified
1361 political party is listed by party;

1362 (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure that
1363 the party designation of each candidate who is nominated by the qualified political party is
1364 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

1365 (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that
1366 the party designation of each candidate who is nominated by the qualified political party is
1367 displayed adjacent to the candidate's name on an electronic ballot;

1368 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
1369 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1370 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1371 multicounty office, or county office;

1372 (10) an individual who is nominated by, or seeking the nomination of, the qualified
1373 political party is not required to comply with Subsection 20A-9-201(1)(c);

1374 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1375 to have each of the qualified political party's candidates for elective office appear on the
1376 primary ballot of the qualified political party with an indication that each candidate is a
1377 candidate for the qualified political party;

1378 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
1379 on the list provided by the lieutenant governor to the county clerks:

1380 (a) the names of all candidates of the qualified political party for federal, constitutional,
1381 multicounty, and county offices; and

1382 (b) the names of unopposed candidates for elective office who have been nominated by
1383 the qualified political party and instruct the county clerks to exclude such candidates from the
1384 primary-election ballot;

1385 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
1386 elective office in the regular primary election of the qualified political party is nominated by
1387 the party for that office without appearing on the primary ballot, provided that the party has
1388 chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii); and

1389 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section

1390 20A-9-405, the qualified political party is entitled to have the names of its candidates for
1391 elective office featured with party affiliation on the ballot at a regular general election.

1392 Section 16. Section **20A-9-407** is enacted to read:

1393 **20A-9-407. Convention nomination process for qualified political party.**

1394 (1) This section describes the requirements for a member of a qualified political party
1395 who is seeking the nomination of a qualified political party for an elective office through the
1396 qualified political party's convention nomination process.

1397 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
1398 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1399 the nomination of, the qualified political party under this section shall be substantially as
1400 follows:

1401 "State of Utah, County of _____
1402 I, _____, declare my intention of becoming a candidate for the office of
1403 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
1404 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
1405 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
1406 any law governing campaigns and elections; I will file all campaign financial disclosure reports
1407 as required by law; and I understand that failure to do so will result in my disqualification as a
1408 candidate for this office and removal of my name from the ballot. The mailing address that I
1409 designate for receiving official election notices is

1410 _____
1411 _____.

1412 Subscribed and sworn before me this _____ (month\day\year). Notary Public (or
1413 other officer qualified to administer oath)."

1414 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
1415 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
1416 nomination of the qualified political party for an elective office that is to be filled at the next
1417 general election, shall:

1418 (a) file a declaration of candidacy in person with the filing officer on or after the
1419 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1420 regular general election; and

1421 (b) pay the filing fee.

1422 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1423 party who, under this section, is seeking the nomination of the qualified political party for the
1424 office of district attorney within a multicounty prosecution district that is to be filled at the next
1425 general election shall:

1426 (a) file a declaration of candidacy with the county clerk designated in the interlocal
1427 agreement creating the prosecution district on or after the second Friday in March and before 5
1428 p.m. on the third Thursday in March before the next regular general election; and

1429 (b) pay the filing fee.

1430 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
1431 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1432 political party, under this section, for the office of governor shall submit a letter from the
1433 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
1434 mate.

1435 (6) The lieutenant governor shall ensure that the certification described in Subsection
1436 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1437 under this section.

1438 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1439 is nominated by a qualified political party under this section, designate the qualified political
1440 party that nominated the candidate.

1441 Section 17. Section **20A-9-408** is enacted to read:

1442 **20A-9-408. Signature-gathering nomination process for qualified political party.**

1443 (1) This section describes the requirements for a member of a qualified political party
1444 who is seeking the nomination of the qualified political party for an elective office through the
1445 signature-gathering nomination process described in this section.

1446 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
1447 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1448 the nomination of, the qualified political party under this section shall be substantially as
1449 follows:

1450 "State of Utah, County of _____

1451 I, _____, declare my intention of becoming a candidate for the office of

1452 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
 1453 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
 1454 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
 1455 any law governing campaigns and elections; I will file all campaign financial disclosure reports
 1456 as required by law; and I understand that failure to do so will result in my disqualification as a
 1457 candidate for this office and removal of my name from the ballot. The mailing address that I
 1458 designate for receiving official election notices is

1459 _____
 1460 _____.

1461 Subscribed and sworn before me this _____ (month\day\year). Notary Public (or
 1462 other officer qualified to administer oath)."

1463 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
 1464 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
 1465 nomination of the qualified political party for an elective office that is to be filled at the next
 1466 general election shall:

1467 (a) within the period beginning on January 1 before the next regular general election
 1468 and ending on the third Thursday in March of the same year, and before gathering signatures
 1469 under this section, file with the filing officer on a form approved by the lieutenant governor a
 1470 notice of intent to gather signatures for candidacy that includes:

1471 (i) the name of the member who will attempt to become a candidate for a registered
 1472 political party under this section;

1473 (ii) the name of the registered political party for which the member is seeking
 1474 nomination;

1475 (iii) the office for which the member is seeking to become a candidate;

1476 (iv) the address and telephone number of the member; and

1477 (v) other information required by the lieutenant governor;

1478 (b) file a declaration of candidacy, in person, with the filing officer on or after the
 1479 second Friday in March and before 5 p.m. on the third Thursday in March before the next
 1480 regular general election; and

1481 (c) pay the filing fee.

1482 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political

1483 party who, under this section, is seeking the nomination of the qualified political party for the
1484 office of district attorney within a multicounty prosecution district that is to be filled at the next
1485 general election shall:

1486 (a) on or after January 1 before the next regular general election, and before gathering
1487 signatures under this section, file with the filing officer on a form approved by the lieutenant
1488 governor a notice of intent to gather signatures for candidacy that includes:

1489 (i) the name of the member who will attempt to become a candidate for a registered
1490 political party under this section;

1491 (ii) the name of the registered political party for which the member is seeking
1492 nomination;

1493 (iii) the office for which the member is seeking to become a candidate;

1494 (iv) the address and telephone number of the member; and

1495 (v) other information required by the lieutenant governor;

1496 (b) file a declaration of candidacy, in person, with the filing officer on or after the
1497 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1498 regular general election; and

1499 (c) pay the filing fee.

1500 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
1501 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1502 political party, under this section, for the office of governor shall submit a letter from the
1503 candidate for governor that names the lieutenant governor candidate as a joint-ticket running
1504 mate.

1505 (6) The lieutenant governor shall ensure that the certification described in Subsection
1506 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
1507 under this section.

1508 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
1509 is nominated by a qualified political party under this section, designate the qualified political
1510 party that nominated the candidate.

1511 (8) A member of a qualified political party may seek the nomination of the qualified
1512 political party for an elective office by:

1513 (a) complying with the requirements described in this section; and

1514 (b) collecting signatures, on a form approved by the lieutenant governor's office, during
1515 the period beginning on January 1 of an even-numbered year and ending 14 days before the day
1516 on which the qualified political party's convention for the office is held, in the following
1517 amounts:

1518 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1519 permitted by the qualified political party to vote for the qualified political party's candidates in
1520 a primary election;

1521 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1522 residents of the congressional district and are permitted by the qualified political party to vote
1523 for the qualified political party's candidates in a primary election;

1524 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1525 residents of the state Senate district and are permitted by the qualified political party to vote for
1526 the qualified political party's candidates in a primary election;

1527 (iv) for a state House district race, 1,000 signatures of registered voters who are
1528 residents of the state House district and are permitted by the qualified political party to vote for
1529 the qualified political party's candidates in a primary election; and

1530 (v) for a county office race, signatures of 3% of the registered voters who are residents
1531 of the area permitted to vote for the county office and are permitted by the qualified political
1532 party to vote for the qualified political party's candidates in a primary election.

1533 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1534 for the qualified political party's nomination for an elective office under this section, the
1535 member shall:

1536 (i) collect the signatures on a form approved by the lieutenant governor's office, using
1537 the same circulation and verification requirements described in Sections [20A-7-304](#) and
1538 [20A-7-305](#); and

1539 (ii) submit the signatures to the election officer no later than 14 days before the day on
1540 which the qualified political party holds its convention to select candidates, for the elective
1541 office, for the qualified political party's nomination.

1542 (b) An individual may not gather signatures under this section until after the individual
1543 files a notice of intent to gather signatures for candidacy described in this section.

1544 (c) An individual who files a notice of intent to gather signatures for candidacy,

1545 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1546 the notice of intent to gather signatures for candidacy:

1547 (i) required to comply with the reporting requirements that a candidate for office is
1548 required to comply with; and

1549 (ii) subject to same enforcement provisions, and civil and criminal penalties, that apply
1550 to a candidate for office in relation to the reporting requirements described in Subsection
1551 (9)(c)(i).

1552 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1553 election officer shall, no later than one day before the day on which the qualified political party
1554 holds the convention to select a nominee for the elective office to which the signature packets
1555 relate:

1556 (i) check the name of each individual who completes the verification for a signature
1557 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1558 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1559 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1560 (iii) determine whether each signer is a registered voter who is qualified to sign the
1561 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
1562 on a petition;

1563 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1564 signature packet; and

1565 (v) notify the qualified political party and the lieutenant governor of the name of each
1566 member of the qualified political party who qualifies as a nominee of the qualified political
1567 party, under this section, for the elective office to which the convention relates.

1568 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1569 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1570 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1571 posts a declaration of candidacy.

1572 Section 18. Section **20A-9-409** is enacted to read:

1573 **20A-9-409. Primary election provisions relating to qualified political party.**

1574 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
1575 primary election day.

1576 (2) A qualified political party that nominates one or more candidates for an elective
1577 office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that
1578 office under Section 20A-9-408, may, but is not required to, participate in the primary election
1579 for that office.

1580 (3) A qualified political party that has only one candidate qualify as a candidate for an
1581 elective office under Section 20A-9-408 and does not nominate a candidate for that office
1582 under Section 20A-9-407, may, but is not required to, participate in the primary election for
1583 that office.

1584 (4) A qualified political party that nominates one or more candidates for an elective
1585 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that
1586 office under Section 20A-9-408 shall participate in the primary election for that office.

1587 (5) A qualified political party that has two or more candidates qualify as candidates for
1588 an elective office under Section 20A-9-408 and does not nominate a candidate for that office
1589 under Section 20A-9-407 shall participate in the primary election for that office.

1590 Section 19. Section **20A-9-410** is enacted to read:

1591 **20A-9-410. Rulemaking authority.**

1592 The director of elections, within the Office of the Lieutenant Governor, shall make
1593 rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative
1594 Rulemaking Act, relating to procedures for complying with, and verifying compliance with, the
1595 candidate nominating process described in this part.

1596 Section 20. Section **20A-9-701** is amended to read:

1597 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1598 (1) No later than August 31 of each regular general election year, the lieutenant
1599 governor shall certify to each county clerk the names of each candidate~~[, including candidates~~
1600 ~~for president and vice president, certified by each registered political party as that party's~~
1601 ~~nominees]~~ nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) for offices
1602 to be voted upon at the regular general election in that county clerk's county.

1603 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1604 the ballot as they are provided on the candidate's declaration of candidacy. No other names
1605 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered
1606 political party, political party, or other political group.

1607 Section 21. **Effective date.**

1608 This bill takes effect on January 1, 2015.