

ELECTION CODE DATE CHANGES

2019 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Steve Eliason

LONG TITLE

Committee Note:

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 9 absent

General Description:

This bill changes the primary election to June 30, for the year 2020 only, and changes related dates accordingly.

Highlighted Provisions:

This bill:

- ▶ changes the primary election to June 30, for the year 2020 only, and changes related dates accordingly; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2019, Chapter 433

20A-1-201.5, as last amended by Laws of Utah 2019, Chapter 433

20A-1-204, as last amended by Laws of Utah 2019, Chapter 433



28 20A-1-503, as last amended by Laws of Utah 2019, Chapter 255

29 20A-9-201 (Superseded 01/01/20), as last amended by Laws of Utah 2019, Chapters
30 266, 279, and 433

31 20A-9-201 (Effective 01/01/20), as last amended by Laws of Utah 2019, Chapters 258,
32 266, 279, and 433

33 20A-9-202, as last amended by Laws of Utah 2019, Chapter 255

34 20A-9-403, as last amended by Laws of Utah 2019, Chapters 210 and 433

35 20A-9-407, as last amended by Laws of Utah 2019, Chapter 255

36 20A-9-408, as last amended by Laws of Utah 2019, Chapters 210 and 255

37 20A-9-409, as last amended by Laws of Utah 2018, Chapter 68

38 63I-2-220, as last amended by Laws of Utah 2019, Chapters 136, 203, 255, and 305

39

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

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

42 **20A-1-102. Definitions.**

43 As used in this title:

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

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

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

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

52 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

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

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

56 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
57 on the ballot for their approval or rejection including:

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

- 59 (b) a constitutional amendment;
- 60 (c) an initiative;
- 61 (d) a referendum;
- 62 (e) a bond proposition;
- 63 (f) a judicial retention question;
- 64 (g) an incorporation of a city or town; or
- 65 (h) any other ballot question specifically authorized by the Legislature.
- 66 (6) "Ballot sheet":
 - 67 (a) means a ballot that:
 - 68 (i) consists of paper or a card where the voter's votes are marked or recorded; and
 - 69 (ii) can be counted using automatic tabulating equipment; and
 - 70 (b) includes punch card ballots and other ballots that are machine-countable.
 - 71 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
 - 72 together with a staple or stitch in at least three places across the top of the paper in the blank
 - 73 space reserved for securing the paper.
 - 74 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
 - 75 [20A-4-306](#) to canvass election returns.
 - 76 (9) "Bond election" means an election held for the purpose of approving or rejecting
 - 77 the proposed issuance of bonds by a government entity.
 - 78 (10) "Book voter registration form" means voter registration forms contained in a
 - 79 bound book that are used by election officers and registration agents to register persons to vote.
 - 80 (11) "Business reply mail envelope" means an envelope that may be mailed free of
 - 81 charge by the sender.
 - 82 (12) "By-mail voter registration form" means a voter registration form designed to be
 - 83 completed by the voter and mailed to the election officer.
 - 84 (13) "Canvass" means the review of election returns and the official declaration of
 - 85 election results by the board of canvassers.
 - 86 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
 - 87 the canvass.
 - 88 (15) "Contracting election officer" means an election officer who enters into a contract
 - 89 or interlocal agreement with a provider election officer.

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

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

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

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

99 (20) "County officers" means those county officers that are required by law to be
100 elected.

101 (21) "Date of the election" or "election day" or "day of the election":

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

104 (b) does not include:

105 (i) deadlines established for absentee voting; or

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

108 (22) "Elected official" means:

109 (a) a person elected to an office under Section 20A-1-303 or Chapter [4] 1, Part 6,
110 Election Offenses - Generally;

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

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

115 (23) "Election" means a regular general election, a municipal general election, a
116 statewide special election, a local special election, a regular primary election, a municipal
117 primary election, and a local district election.

118 (24) "Election Assistance Commission" means the commission established by the Help
119 America Vote Act of 2002, Pub. L. No. 107-252.

120 (25) "Election cycle" means the period beginning on the first day persons are eligible to

121 file declarations of candidacy and ending when the canvass is completed.

122 (26) "Election judge" means a poll worker that is assigned to:

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

124 (b) act as the presiding election judge; or

125 (c) serve as a canvassing judge, counting judge, or receiving judge.

126 (27) "Election officer" means:

127 (a) the lieutenant governor, for all statewide ballots and elections;

128 (b) the county clerk for:

129 (i) a county ballot and election; and

130 (ii) a ballot and election as a provider election officer as provided in Section

131 [20A-5-400.1](#) or [20A-5-400.5](#);

132 (c) the municipal clerk for:

133 (i) a municipal ballot and election; and

134 (ii) a ballot and election as a provider election officer as provided in Section

135 [20A-5-400.1](#) or [20A-5-400.5](#);

136 (d) the local district clerk or chief executive officer for:

137 (i) a local district ballot and election; and

138 (ii) a ballot and election as a provider election officer as provided in Section

139 [20A-5-400.1](#) or [20A-5-400.5](#); or

140 (e) the business administrator or superintendent of a school district for:

141 (i) a school district ballot and election; and

142 (ii) a ballot and election as a provider election officer as provided in Section

143 [20A-5-400.1](#) or [20A-5-400.5](#).

144 (28) "Election official" means any election officer, election judge, or poll worker.

145 (29) "Election results" means:

146 (a) for an election other than a bond election, the count of votes cast in the election and

147 the election returns requested by the board of canvassers; or

148 (b) for bond elections, the count of those votes cast for and against the bond

149 proposition plus any or all of the election returns that the board of canvassers may request.

150 (30) "Election returns" includes the pollbook, the military and overseas absentee voter

151 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all

152 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
153 form, and the total votes cast form.

154 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
155 device or other voting device that records and stores ballot information by electronic means.

156 (32) "Electronic signature" means an electronic sound, symbol, or process attached to
157 or logically associated with a record and executed or adopted by a person with the intent to sign
158 the record.

159 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.

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

161 (34) "Inactive voter" means a registered voter who is listed as inactive by a county
162 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

163 (35) "Judicial office" means the office filled by any judicial officer.

164 (36) "Judicial officer" means any justice or judge of a court of record or any county
165 court judge.

166 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
167 Local Government Entities - Local Districts, and includes a special service district under Title
168 17D, Chapter 1, Special Service District Act.

169 (38) "Local district officers" means those local district board members that are required
170 by law to be elected.

171 (39) "Local election" means a regular county election, a regular municipal election, a
172 municipal primary election, a local special election, a local district election, and a bond
173 election.

174 (40) "Local political subdivision" means a county, a municipality, a local district, or a
175 local school district.

176 (41) "Local special election" means a special election called by the governing body of a
177 local political subdivision in which all registered voters of the local political subdivision may
178 vote.

179 (42) "Municipal executive" means:

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

181 (b) the mayor in the council-manager form of government defined in Subsection
182 10-3b-103(7); or

183 (c) the chair of a metro township form of government defined in Section 10-3b-102.

184 (43) "Municipal general election" means the election held in municipalities and, as
185 applicable, local districts on the first Tuesday after the first Monday in November of each
186 odd-numbered year for the purposes established in Section 20A-1-202.

187 (44) "Municipal legislative body" means:

188 (a) the council of the city or town in any form of municipal government; or

189 (b) the council of a metro township.

190 (45) "Municipal office" means an elective office in a municipality.

191 (46) "Municipal officers" means those municipal officers that are required by law to be
192 elected.

193 (47) "Municipal primary election" means an election held to nominate candidates for
194 municipal office.

195 (48) "Municipality" means a city, town, or metro township.

196 (49) "Official ballot" means the ballots distributed by the election officer to the poll
197 workers to be given to voters to record their votes.

198 (50) "Official endorsement" means:

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

200 (i) the ballot as an official ballot;

201 (ii) the date of the election; and

202 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
203 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

204 (B) for a ballot prepared by a county clerk, the words required by Subsection
205 20A-6-301(1)(b)(iii); and

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

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

208 (ii) the ballot number.

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

211 (52) "Paper ballot" means a paper that contains:

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

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

216 (53) "Political party" means an organization of registered voters that has qualified to
217 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
218 and Procedures.

219 (54) (a) "Poll worker" means a person assigned by an election official to assist with an
220 election, voting, or counting votes.

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

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

223 (55) "Pollbook" means a record of the names of voters in the order that they appear to
224 cast votes.

225 (56) "Polling place" means the building where voting is conducted.

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

228 (58) "Presidential Primary Election" means the election established in Chapter 9, Part
229 8, Presidential Primary Election.

230 (59) "Primary convention" means the political party conventions held during the year
231 of the regular general election.

232 (60) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

235 (61) "Provider election officer" means an election officer who enters into a contract or
236 interlocal agreement with a contracting election officer to conduct an election for the
237 contracting election officer's local political subdivision in accordance with Section
238 [20A-5-400.1](#).

239 (62) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

243 (63) "Provisional ballot envelope" means an envelope printed in the form required by
244 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to

245 verify a person's legal right to vote.

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

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

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

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

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

257 (69) "Regular primary election" means the election, held on the [~~fourth Tuesday of~~
258 ~~June of each even-numbered year~~] date specified in Section [20A-1-201.5](#), to nominate
259 candidates of political parties and candidates for nonpartisan local school board positions to
260 advance to the regular general election.

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

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

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

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

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

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

272 (a) is spoiled by the voter;

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

274 (c) lacks the official endorsement.

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

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

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

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

280 (79) "Ticket" means a list of:

281 (a) political parties;

282 (b) candidates for an office; or

283 (c) ballot propositions.

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

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

289 (82) "Valid voter identification" means:

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

292 (i) a currently valid Utah driver license;

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

294 (A) the state; or

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

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

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

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

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

301 (i) a valid tribal identification card;

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

303 (iii) a tribal treaty card; or

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

- 307 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
308 election;
- 309 (ii) a bank or other financial account statement, or a legible copy thereof;
- 310 (iii) a certified birth certificate;
- 311 (iv) a valid social security card;
- 312 (v) a check issued by the state or the federal government or a legible copy thereof;
- 313 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 314 (vii) a currently valid Utah hunting or fishing license;
- 315 (viii) certified naturalization documentation;
- 316 (ix) a currently valid license issued by an authorized agency of the United States;
- 317 (x) a certified copy of court records showing the voter's adoption or name change;
- 318 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 319 (xii) a currently valid identification card issued by:
- 320 (A) a local government within the state;
- 321 (B) an employer for an employee; or
- 322 (C) a college, university, technical school, or professional school located within the
323 state; or
- 324 (xiii) a current Utah vehicle registration.
- 325 (83) "Valid write-in candidate" means a candidate who has qualified as a write-in
326 candidate by following the procedures and requirements of this title.
- 327 (84) "Voter" means a person who:
- 328 (a) meets the requirements for voting in an election;
- 329 (b) meets the requirements of election registration;
- 330 (c) is registered to vote; and
- 331 (d) is listed in the official register book.
- 332 (85) "Voter registration deadline" means the registration deadline provided in Section
333 [20A-2-102.5](#).
- 334 (86) "Voting area" means the area within six feet of the voting booths, voting
335 machines, and ballot box.
- 336 (87) "Voting booth" means:
- 337 (a) the space or compartment within a polling place that is provided for the preparation

338 of ballots, including the voting machine enclosure or curtain; or

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

340 (88) "Voting device" means:

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

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

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

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

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

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

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

353 (91) "Watcher" means an individual who complies with the requirements described in
354 Section 20A-3-201 to become a watcher for an election.

355 (92) "Write-in ballot" means a ballot containing any write-in votes.

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

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

359 **20A-1-201.5. Primary election dates.**

360 (1) [A] Except as provided in Subsection (4), the regular primary election shall be held
361 throughout the state on the fourth Tuesday of June of each even numbered year as provided in
362 Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for:

363 (a) national, state, school board, and county offices; and

364 (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

365 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
366 following the first Monday in August before the regular municipal election to nominate persons
367 for municipal offices.

368 (3) A presidential primary election shall be held throughout the state on the first

369 Tuesday in March in the year in which a presidential election will be held.

370 (4) In 2020, the regular primary election shall be held throughout the state on June 30,
371 as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate
372 persons for:

373 (a) national, state, school board, and county offices; and

374 (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

375 Section 3. Section 20A-1-204 is amended to read:

376 **20A-1-204. Date of special election -- Legal effect.**

377 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
378 legislative body of a local political subdivision calling a statewide special election or local
379 special election under Section 20A-1-203 shall schedule the special election to be held on:

380 (i) in a year other than 2020, the fourth Tuesday in June; [or]

381 (ii) in 2020, June 30; or

382 ~~[(it)]~~ (iii) in any year, the first Tuesday after the first Monday in November.

383 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
384 body of a local political subdivision calling a statewide special election or local special election
385 under Section 20A-1-203 may not schedule a special election to be held on any other date.

386 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative
387 body of a local political subdivision may call a local special election on a date other than those
388 specified in this section if the legislative body:

389 (A) determines and declares that there is a disaster, as defined in Section 53-2a-102,
390 requiring that a special election be held on a date other than the ones authorized in statute;

391 (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102,
392 and the reasons for holding the special election on that other date; and

393 (C) votes unanimously to hold the special election on that other date.

394 (ii) The legislative body of a local political subdivision may not hold a local special
395 election on the same date as the presidential primary election conducted under Chapter 9, Part
396 8, Presidential Primary Election.

397 (d) The legislative body of a local political subdivision may only call a special election
398 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after
399 the first Monday in November.

400 (e) Nothing in this section prohibits:

401 (i) the governor or Legislature from submitting a matter to the voters at the regular
402 general election if authorized by law; or

403 (ii) a local government from submitting a matter to the voters at the regular municipal
404 election if authorized by law.

405 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
406 special election within a county on the same day as:

407 (i) another special election;

408 (ii) a regular general election; or

409 (iii) a municipal general election.

410 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

411 (i) polling places;

412 (ii) ballots;

413 (iii) election officials; and

414 (iv) other administrative and procedural matters connected with the election.

415 Section 4. Section **20A-1-503** is amended to read:

416 **20A-1-503. Midterm vacancies in the Legislature.**

417 (1) As used in this section:

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

419 (i) a declaration of candidacy as provided in Section [20A-9-202](#); and

420 (ii) a certificate of nomination as provided in Section [20A-9-503](#).

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

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

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

430 (b) The governor shall fill the vacancy until the next regular general election by

431 immediately appointing the person whose name was submitted by the party liaison of the same
432 political party as the prior senator.

433 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
434 before August 31 of an even-numbered year in which the term of office does not expire, the
435 lieutenant governor shall:

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

440 (A) a declaration of candidacy; or

441 (B) a certificate of nomination; and

442 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):

443 (A) on the lieutenant governor's website; and

444 (B) to each registered political party.

445 (b) A person intending to obtain a position on the ballot for the vacant office shall:

446 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
447 candidacy or certificate of nomination according to the procedures and requirements of Chapter
448 9, Candidate Qualifications and Nominating Procedures; and

449 (ii) run in the regular general election if:

450 (A) nominated as a party candidate; or

451 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
452 Qualifications and Nominating Procedures.

453 (c) If a vacancy described in Subsection (3)(a) occurs ~~[on or]~~ after the ~~[first Monday~~
454 ~~after the third Saturday in April]~~ deadline described in Subsection 20A-9-202(1)(b)(i) or (ii)
455 and before August 31, of an even-numbered year in which the term of office does not expire, a
456 party liaison from each registered political party may submit a name of a person described in
457 Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than August 30 for
458 placement on the regular general election ballot.

459 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
460 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the
461 unexpired term by immediately appointing the person whose name was submitted by the party

462 liaison of the same political party as the prior senator.

463 Section 5. Section **20A-9-201 (Superseded 01/01/20)** is amended to read:

464 **20A-9-201 (Superseded 01/01/20). Declarations of candidacy -- Candidacy for**
465 **more than one office or of more than one political party prohibited with exceptions --**
466 **General filing and form requirements -- Affidavit of impecuniosity.**

467 (1) Before filing a declaration of candidacy for election to any office, an individual
468 shall:

469 (a) be a United States citizen;

470 (b) meet the legal requirements of that office; and

471 (c) if seeking a registered political party's nomination as a candidate for elective office,
472 state:

473 (i) the registered political party of which the individual is a member; or

474 (ii) that the individual is not a member of a registered political party.

475 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

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

478 (ii) appear on the ballot as the candidate of more than one political party; or

479 (iii) file a declaration of candidacy for a registered political party of which the
480 individual is not a member, except to the extent that the registered political party permits
481 otherwise in the registered political party's bylaws.

482 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
483 president or vice president of the United States and another office, if the individual resigns the
484 individual's candidacy for the other office after the individual is officially nominated for
485 president or vice president of the United States.

486 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
487 than one justice court judge office.

488 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
489 the individual filed a declaration of candidacy for another office in the same election year if the
490 individual withdraws as a candidate for the other office in accordance with Subsection
491 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

492 (3) (a) Except for a candidate for president or vice president of the United States,

493 before the filing officer may accept any declaration of candidacy, the filing officer shall:

494 (i) read to the individual the constitutional and statutory qualification requirements for
495 the office that the individual is seeking;

496 (ii) require the individual to state whether the individual meets those requirements; and

497 (iii) if the declaration of candidacy is for a legislative office, inform the individual that
498 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
499 or trust, under authority of the United States or Utah, from being a member of the Legislature.

500 (b) Before accepting a declaration of candidacy for the office of county attorney, the
501 county clerk shall ensure that the individual filing that declaration of candidacy is:

502 (i) a United States citizen;

503 (ii) an attorney licensed to practice law in the state who is an active member in good
504 standing of the Utah State Bar;

505 (iii) a registered voter in the county in which the individual is seeking office; and

506 (iv) a current resident of the county in which the individual is seeking office and either
507 has been a resident of that county for at least one year or was appointed and is currently serving
508 as county attorney and became a resident of the county within 30 days after appointment to the
509 office.

510 (c) Before accepting a declaration of candidacy for the office of district attorney, the
511 county clerk shall ensure that, as of the date of the election, the individual filing that
512 declaration of candidacy is:

513 (i) a United States citizen;

514 (ii) an attorney licensed to practice law in the state who is an active member in good
515 standing of the Utah State Bar;

516 (iii) a registered voter in the prosecution district in which the individual is seeking
517 office; and

518 (iv) a current resident of the prosecution district in which the individual is seeking
519 office and either will have been a resident of that prosecution district for at least one year as of
520 the date of the election or was appointed and is currently serving as district attorney and
521 became a resident of the prosecution district within 30 days after receiving appointment to the
522 office.

523 (d) Before accepting a declaration of candidacy for the office of county sheriff, the

524 county clerk shall ensure that the individual filing the declaration:

525 (i) is a United States citizen;

526 (ii) is a registered voter in the county in which the individual seeks office;

527 (iii) (A) has successfully met the standards and training requirements established for
528 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
529 Certification Act; or

530 (B) has met the waiver requirements in Section 53-6-206;

531 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
532 53-13-103; and

533 (v) as of the date of the election, will have been a resident of the county in which the
534 individual seeks office for at least one year.

535 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
536 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
537 Education member, the filing officer shall ensure:

538 (i) that the individual filing the declaration of candidacy also makes the conflict of
539 interest disclosure required by Section 20A-11-1603; and

540 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
541 individual provides the conflict of interest disclosure form to the lieutenant governor in
542 accordance with Section 20A-11-1603.

543 (4) If an individual who files a declaration of candidacy does not meet the qualification
544 requirements for the office the individual is seeking, the filing officer may not accept the
545 individual's declaration of candidacy.

546 (5) If an individual who files a declaration of candidacy meets the requirements
547 described in Subsection (3), the filing officer shall:

548 (a) inform the individual that:

549 (i) the individual's name will appear on the ballot as the individual's name is written on
550 the individual's declaration of candidacy;

551 (ii) the individual may be required to comply with state or local campaign finance
552 disclosure laws; and

553 (iii) the individual is required to file a financial statement before the individual's
554 political convention under:

555 (A) Section 20A-11-204 for a candidate for constitutional office;
556 (B) Section 20A-11-303 for a candidate for the Legislature; or
557 (C) local campaign finance disclosure laws, if applicable;
558 (b) except for a presidential candidate, provide the individual with a copy of the current
559 campaign financial disclosure laws for the office the individual is seeking and inform the
560 individual that failure to comply will result in disqualification as a candidate and removal of
561 the individual's name from the ballot;
562 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
563 Electronic Voter Information Website Program and inform the individual of the submission
564 deadline under Subsection 20A-7-801(4)(a);
565 (d) provide the candidate with a copy of the pledge of fair campaign practices
566 described under Section 20A-9-206 and inform the candidate that:
567 (i) signing the pledge is voluntary; and
568 (ii) signed pledges shall be filed with the filing officer;
569 (e) accept the individual's declaration of candidacy; and
570 (f) if the individual has filed for a partisan office, provide a certified copy of the
571 declaration of candidacy to the chair of the county or state political party of which the
572 individual is a member.
573 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
574 officer shall:
575 (a) accept the candidate's pledge; and
576 (b) if the candidate has filed for a partisan office, provide a certified copy of the
577 candidate's pledge to the chair of the county or state political party of which the candidate is a
578 member.
579 (7) (a) Except for a candidate for president or vice president of the United States, the
580 form of the declaration of candidacy shall:
581 (i) be substantially as follows:
582 "State of Utah, County of ____
583 I, _____, declare my candidacy for the office of _____, seeking the
584 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
585 hold the office, both legally and constitutionally, if selected; I reside at _____

586 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly
 587 violate any law governing campaigns and elections; if filing via a designated agent, I will be
 588 out of the state of Utah during the entire candidate filing period; I will file all campaign
 589 financial disclosure reports as required by law; and I understand that failure to do so will result
 590 in my disqualification as a candidate for this office and removal of my name from the ballot.
 591 The mailing address that I designate for receiving official election notices is
 592 _____.

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

595 Notary Public (or other officer qualified to administer oath)."; and

596 (ii) require the candidate to state, in the sworn statement described in Subsection
 597 (7)(a)(i):

- 598 (A) the registered political party of which the candidate is a member; or
- 599 (B) that the candidate is not a member of a registered political party.

600 (b) An agent designated under Subsection 20A-9-202(1)(~~b~~)(c) to file a declaration of
 601 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

602 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
 603 is:

- 604 (i) \$50 for candidates for the local school district board; and
- 605 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
 606 person holding the office for all other federal, state, and county offices.

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

- 609 (i) who is disqualified; or
- 610 (ii) who the filing officer determines has filed improperly.
- 611 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
 612 from candidates.

613 (ii) The lieutenant governor shall:

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

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

617 lieutenant governor from the congressional district that the total vote of that county for all
618 candidates for representative in Congress bears to the total vote of all counties within the
619 congressional district for all candidates for representative in Congress.

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

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

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

628 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
629 considered an offense under this title for the purposes of assessing the penalties provided in
630 Subsection 20A-1-609(2).

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

633 "Affidavit of Impecuniosity

634 Individual Name

635 _____ Address _____

636 Phone Number _____

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

640 Date _____ Signature _____

641 Affiant

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

643 _____
644 (signature)

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

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

648 on the affidavit of impecuniosity:

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

652 (vi) The filing officer may request that a person who makes a claim of impecuniosity
653 under this Subsection (8)(d) file a financial statement on a form prepared by the election
654 official.

655 (9) An individual who fails to file a declaration of candidacy or certificate of
656 nomination within the time provided in this chapter is ineligible for nomination to office.

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

659 Section 6. Section 20A-9-201 (Effective 01/01/20) is amended to read:

660 **20A-9-201 (Effective 01/01/20). Declarations of candidacy -- Candidacy for more**
661 **than one office or of more than one political party prohibited with exceptions -- General**
662 **filing and form requirements -- Affidavit of impecuniosity.**

663 (1) Before filing a declaration of candidacy for election to any office, an individual
664 shall:

665 (a) be a United States citizen;

666 (b) meet the legal requirements of that office; and

667 (c) if seeking a registered political party's nomination as a candidate for elective office,
668 state:

669 (i) the registered political party of which the individual is a member; or

670 (ii) that the individual is not a member of a registered political party.

671 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

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

674 (ii) appear on the ballot as the candidate of more than one political party; or

675 (iii) file a declaration of candidacy for a registered political party of which the
676 individual is not a member, except to the extent that the registered political party permits
677 otherwise in the registered political party's bylaws.

678 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,

679 president or vice president of the United States and another office, if the individual resigns the
680 individual's candidacy for the other office after the individual is officially nominated for
681 president or vice president of the United States.

682 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
683 than one justice court judge office.

684 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
685 the individual filed a declaration of candidacy for another office in the same election year if the
686 individual withdraws as a candidate for the other office in accordance with Subsection
687 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

688 (3) (a) Except for a candidate for president or vice president of the United States,
689 before the filing officer may accept any declaration of candidacy, the filing officer shall:

690 (i) read to the individual the constitutional and statutory qualification requirements for
691 the office that the individual is seeking;

692 (ii) require the individual to state whether the individual meets the requirements
693 described in Subsection (3)(a)(i); and

694 (iii) if the declaration of candidacy is for a county office, inform the individual that an
695 individual who holds a county elected office may not, at the same time, hold a municipal
696 elected office.

697 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
698 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
699 or trust, under authority of the United States or Utah, from being a member of the Legislature.

700 (b) Before accepting a declaration of candidacy for the office of county attorney, the
701 county clerk shall ensure that the individual filing that declaration of candidacy is:

702 (i) a United States citizen;

703 (ii) an attorney licensed to practice law in the state who is an active member in good
704 standing of the Utah State Bar;

705 (iii) a registered voter in the county in which the individual is seeking office; and

706 (iv) a current resident of the county in which the individual is seeking office and either
707 has been a resident of that county for at least one year or was appointed and is currently serving
708 as county attorney and became a resident of the county within 30 days after appointment to the
709 office.

710 (c) Before accepting a declaration of candidacy for the office of district attorney, the
711 county clerk shall ensure that, as of the date of the election, the individual filing that
712 declaration of candidacy is:

713 (i) a United States citizen;

714 (ii) an attorney licensed to practice law in the state who is an active member in good
715 standing of the Utah State Bar;

716 (iii) a registered voter in the prosecution district in which the individual is seeking
717 office; and

718 (iv) a current resident of the prosecution district in which the individual is seeking
719 office and either will have been a resident of that prosecution district for at least one year as of
720 the date of the election or was appointed and is currently serving as district attorney and
721 became a resident of the prosecution district within 30 days after receiving appointment to the
722 office.

723 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
724 county clerk shall ensure that the individual filing the declaration:

725 (i) is a United States citizen;

726 (ii) is a registered voter in the county in which the individual seeks office;

727 (iii) (A) has successfully met the standards and training requirements established for
728 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
729 Certification Act; or

730 (B) has met the waiver requirements in Section [53-6-206](#);

731 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
732 [53-13-103](#); and

733 (v) as of the date of the election, will have been a resident of the county in which the
734 individual seeks office for at least one year.

735 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
736 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
737 Education member, the filing officer shall ensure:

738 (i) that the individual filing the declaration of candidacy also makes the conflict of
739 interest disclosure required by Section [20A-11-1603](#); and

740 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the

741 individual provides the conflict of interest disclosure form to the lieutenant governor in
742 accordance with Section [20A-11-1603](#).

743 (4) If an individual who files a declaration of candidacy does not meet the qualification
744 requirements for the office the individual is seeking, the filing officer may not accept the
745 individual's declaration of candidacy.

746 (5) If an individual who files a declaration of candidacy meets the requirements
747 described in Subsection (3), the filing officer shall:

748 (a) inform the individual that:

749 (i) the individual's name will appear on the ballot as the individual's name is written on
750 the individual's declaration of candidacy;

751 (ii) the individual may be required to comply with state or local campaign finance
752 disclosure laws; and

753 (iii) the individual is required to file a financial statement before the individual's
754 political convention under:

755 (A) Section [20A-11-204](#) for a candidate for constitutional office;

756 (B) Section [20A-11-303](#) for a candidate for the Legislature; or

757 (C) local campaign finance disclosure laws, if applicable;

758 (b) except for a presidential candidate, provide the individual with a copy of the current
759 campaign financial disclosure laws for the office the individual is seeking and inform the
760 individual that failure to comply will result in disqualification as a candidate and removal of
761 the individual's name from the ballot;

762 (c) provide the individual with a copy of Section [20A-7-801](#) regarding the Statewide
763 Electronic Voter Information Website Program and inform the individual of the submission
764 deadline under Subsection [20A-7-801\(4\)\(a\)](#);

765 (d) provide the candidate with a copy of the pledge of fair campaign practices
766 described under Section [20A-9-206](#) and inform the candidate that:

767 (i) signing the pledge is voluntary; and

768 (ii) signed pledges shall be filed with the filing officer;

769 (e) accept the individual's declaration of candidacy; and

770 (f) if the individual has filed for a partisan office, provide a certified copy of the
771 declaration of candidacy to the chair of the county or state political party of which the

772 individual is a member.

773 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
774 officer shall:

775 (a) accept the candidate's pledge; and

776 (b) if the candidate has filed for a partisan office, provide a certified copy of the
777 candidate's pledge to the chair of the county or state political party of which the candidate is a
778 member.

779 (7) (a) Except for a candidate for president or vice president of the United States, the
780 form of the declaration of candidacy shall:

781 (i) be substantially as follows:

782 "State of Utah, County of ____

783 I, _____, declare my candidacy for the office of _____, seeking the
784 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
785 hold the office, both legally and constitutionally, if selected; I reside at _____
786 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
787 knowingly violate any law governing campaigns and elections; if filing via a designated
788 agent, I will be out of the state of Utah during the entire candidate filing period; I will
789 file all campaign financial disclosure reports as required by law; and I understand that
790 failure to do so will result in my disqualification as a candidate for this office and
791 removal of my name from the ballot. The mailing address that I designate for receiving
792 official election notices is _____.

793 _____

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

795 _____ Notary Public (or other officer qualified to administer oath)."; and

796 (ii) require the candidate to state, in the sworn statement described in Subsection
797 (7)(a)(i):

798 (A) the registered political party of which the candidate is a member; or

799 (B) that the candidate is not a member of a registered political party.

800 (b) An agent designated under Subsection 20A-9-202(1)(~~b~~)(c) to file a declaration of
801 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

802 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy

803 is:

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

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

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

809 (i) who is disqualified; or

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

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

813 (ii) The lieutenant governor shall:

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

816 (B) ensure that each county receives that proportion of the total amount paid to the
817 lieutenant governor from the congressional district that the total vote of that county for all
818 candidates for representative in Congress bears to the total vote of all counties within the
819 congressional district for all candidates for representative in Congress.

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

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

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

828 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
829 considered an offense under this title for the purposes of assessing the penalties provided in
830 Subsection 20A-1-609(2).

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

833 "Affidavit of Impecuniosity

834 Individual Name
835 _____ Address _____

836 Phone Number _____

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

840 Date _____ Signature _____

841 Affiant

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

843 _____
844 (signature)

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

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

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

852 (vi) The filing officer may request that a person who makes a claim of impecuniosity
853 under this Subsection (8)(d) file a financial statement on a form prepared by the election
854 official.

855 (9) An individual who fails to file a declaration of candidacy or certificate of
856 nomination within the time provided in this chapter is ineligible for nomination to office.

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

859 Section 7. Section 20A-9-202 is amended to read:

860 **20A-9-202. Declarations of candidacy for regular general elections.**

861 (1) (a) An individual seeking to become a candidate for an elective office that is to be
862 filled at the next regular general election shall:

863 (i) except as provided in Subsection (1)(b)(c), file a declaration of candidacy in
864 person with the filing officer on or after January 1 of the regular general election year, and, if

865 applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

866 (ii) pay the filing fee.

867 (b) Unless expressly provided otherwise in this title, for a registered political party that

868 is not a qualified political party, the deadline for filing a declaration of candidacy for an

869 elective office that is to be filled at the next regular general election is:

870 (i) in a year other than 2020, 5 p.m. on the first Monday after the third Saturday in

871 April; or

872 (ii) in 2020, before 5 p.m. April 27.

873 ~~[(b)]~~ (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent

874 to file a declaration of candidacy with the filing officer if:

875 (i) the individual is located outside of the state during the entire filing period;

876 (ii) the designated agent appears in person before the filing officer;

877 (iii) the individual communicates with the filing officer using an electronic device that
878 allows the individual and filing officer to see and hear each other; and

879 (iv) the individual provides the filing officer with an email address to which the filing
880 officer may send the individual the copies described in Subsection 20A-9-201(5).

881 ~~[(c)]~~ (d) Each county clerk who receives a declaration of candidacy from a candidate
882 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
883 candidacy to the lieutenant governor within one business day after the candidate files the
884 declaration of candidacy.

885 ~~[(d)]~~ (e) Each day during the filing period, each county clerk shall notify the lieutenant
886 governor electronically or by telephone of candidates who have filed a declaration of candidacy
887 with the county clerk.

888 ~~[(e)]~~ (f) Each individual seeking the office of lieutenant governor, the office of district
889 attorney, or the office of president or vice president of the United States shall comply with the
890 specific declaration of candidacy requirements established by this section.

891 (2) (a) Each individual intending to become a candidate for the office of district
892 attorney within a multicounty prosecution district that is to be filled at the next regular general
893 election shall:

894 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
895 creating the prosecution district on or after January 1 of the regular general election year, and

896 before the individual circulates nomination petitions under Section 20A-9-405; and

897 (ii) pay the filing fee.

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

901 (3) (a) Before [~~5 p.m. no later than the first Monday after the third Saturday in April~~]
902 the deadline described in Subsection (1)(b)(i) or (ii), each lieutenant governor candidate shall:

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

904 (ii) pay the filing fee; and

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

908 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

909 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
910 replace the disqualified candidate.

911 (4) Before 5 p.m. no later than August 31, each registered political party shall:

912 (a) certify the names of the political party's candidates for president and vice president
913 of the United States to the lieutenant governor; or

914 (b) provide written authorization for the lieutenant governor to accept the certification
915 of candidates for president and vice president of the United States from the national office of
916 the registered political party.

917 (5) (a) A declaration of candidacy filed under this section is valid unless a written
918 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the
919 last day for filing.

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

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

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

924 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
925 problem by amending the declaration or petition before 5 p.m. within three days after the day
926 on which the objection is sustained or by filing a new declaration before 5 p.m. within three

927 days after the day on which the objection is sustained.

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

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

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

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

935 (7) (a) Except for a candidate who is certified by a registered political party under
936 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than
937 August 31 of a general election year, each individual running as a candidate for vice president
938 of the United States shall:

939 (i) file a declaration of candidacy, in person or via a designated agent, on a form
940 developed by the lieutenant governor, that:

941 (A) contains the individual's name, address, and telephone number;

942 (B) states that the individual meets the qualifications for the office of vice president of
943 the United States;

944 (C) names the presidential candidate, who has qualified for the general election ballot,
945 with which the individual is running as a joint-ticket running mate;

946 (D) states that the individual agrees to be the running mate of the presidential candidate
947 described in Subsection (7)(a)(i)(C); and

948 (E) contains any other necessary information identified by the lieutenant governor;

949 (ii) pay the filing fee, if applicable; and

950 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)
951 that names the individual as a joint-ticket running mate as a vice presidential candidate.

952 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
953 candidacy.

954 (c) A vice presidential candidate who fails to meet the requirements described in this
955 Subsection (7) may not appear on the general election ballot.

956 Section 8. Section 20A-9-403 is amended to read:

957 **20A-9-403. Regular primary elections.**

958 (1) (a) Candidates for elective office that are to be filled at the next regular general
959 election shall be nominated in a regular primary election by direct vote of the people in the
960 manner prescribed in this section. The ~~[fourth Tuesday of June of each even-numbered year is~~
961 ~~designated as]~~ regular primary election ~~[day]~~ is held on the date specified in Section
962 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular
963 general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate
964 in a regular general election as a write-in candidate under Section 20A-9-601.

965 (b) Each registered political party that chooses to have the names of the registered
966 political party's candidates for elective office featured with party affiliation on the ballot at a
967 regular general election shall comply with the requirements of this section and shall nominate
968 the registered political party's candidates for elective office in the manner described in this
969 section.

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

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

976 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
977 shall:

978 (i) either declare the registered political party's intent to participate in the next regular
979 primary election or declare that the registered political party chooses not to have the names of
980 the registered political party's candidates for elective office featured on the ballot at the next
981 regular general election; and

982 (ii) if the registered political party participates in the upcoming regular primary
983 election, identify one or more registered political parties whose members may vote for the
984 registered political party's candidates and whether individuals identified as unaffiliated with a
985 political party may vote for the registered political party's candidates.

986 (b) (i) A registered political party that is a continuing political party shall file the
987 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
988 November 30 of each odd-numbered year.

989 (ii) An organization that is seeking to become a registered political party under Section
990 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
991 political party files the petition described in Section 20A-8-103.

992 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
993 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
994 office on the regular primary ballot of the registered political party listed on the declaration of
995 candidacy only if the individual is certified by the appropriate filing officer as having submitted
996 a set of nomination petitions that was:

997 (i) circulated and completed in accordance with Section 20A-9-405; and

998 (ii) signed by at least 2% of the registered political party's members who reside in the
999 political division of the office that the individual seeks.

1000 (b) (i) A candidate for elective office shall submit nomination petitions to the
1001 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
1002 in March.

1003 (ii) A candidate may supplement the candidate's submissions at any time on or before
1004 the filing deadline.

1005 (c) (i) The lieutenant governor shall determine for each elective office the total number
1006 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
1007 number of individuals residing in each elective office's political division who have designated a
1008 particular registered political party on the individuals' voter registration forms on or before
1009 November 15 of each odd-numbered year.

1010 (ii) The lieutenant governor shall publish the determination for each elective office no
1011 later than November 30 of each odd-numbered year.

1012 (d) The filing officer shall:

1013 (i) verify signatures on nomination petitions in a transparent and orderly manner, no
1014 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

1015 (ii) for all qualifying candidates for elective office who submit nomination petitions to
1016 the filing officer, issue certifications referenced in Subsection (3)(a) no later than ~~5 p.m. on the~~
1017 ~~first Monday after the third Saturday in April]~~ the deadline described in Subsection
1018 20A-9-202(1)(b)(i) or (ii);

1019 (iii) consider active and inactive voters eligible to sign nomination petitions;

1020 (iv) consider an individual who signs a nomination petition a member of a registered
1021 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
1022 registered political party as the individual's party membership on the individual's voter
1023 registration form; and

1024 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1025 petition signatures, or use statistical sampling procedures to verify submitted nomination
1026 petition signatures in accordance with rules made under Subsection (3)(f).

1027 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1028 lieutenant governor may appear on the regular primary ballot of a registered political party
1029 without submitting nomination petitions if the candidate files a declaration of candidacy and
1030 complies with Subsection 20A-9-202(3).

1031 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1032 director of elections, within the Office of the Lieutenant Governor, may make rules that:

1033 (i) provide for the use of statistical sampling procedures that:

1034 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1035 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1036 submission, using widely recognized statistical sampling techniques; and

1037 (ii) provide for the transparent, orderly, and timely submission, verification, and
1038 certification of nomination petition signatures.

1039 (g) The county clerk shall:

1040 (i) review the declarations of candidacy filed by candidates for local boards of
1041 education to determine if more than two candidates have filed for the same seat;

1042 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1043 local board of education seat on the nonpartisan section of the ballot if more than two
1044 candidates have filed for the same seat; and

1045 (iii) determine the order of the local board of education candidates' names on the ballot
1046 in accordance with Section 20A-6-305.

1047 (4) (a) [~~By 5 p.m. on the first Wednesday after the third Saturday in April~~] Before the
1048 deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the
1049 county clerks:

1050 (i) a list of the names of all candidates for federal, constitutional, multi-county, single

1051 county, and county offices who have received certifications under Subsection (3), along with
1052 instructions on how those names shall appear on the primary election ballot in accordance with
1053 Section 20A-6-305; and

1054 (ii) a list of unopposed candidates for elective office who have been nominated by a
1055 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
1056 unopposed candidates from the primary election ballot.

1057 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1058 joint-ticket running mates shall appear jointly on the primary election ballot.

1059 (c) After the county clerk receives the certified list from the lieutenant governor under
1060 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1061 substantially the following form:

1062 "Notice is given that a primary election will be held Tuesday, June ____,
1063 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1064 local school board positions listed on the primary ballot. The polling place for voting precinct
1065 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1066 Attest: county clerk."

1067 (5) (a) A candidate who, at the regular primary election, receives the highest number of
1068 votes cast for the office sought by the candidate is:

1069 (i) nominated for that office by the candidate's registered political party; or

1070 (ii) for a nonpartisan local school board position, nominated for that office.

1071 (b) If two or more candidates are to be elected to the office at the regular general
1072 election, those party candidates equal in number to positions to be filled who receive the
1073 highest number of votes at the regular primary election are the nominees of the candidates'
1074 party for those positions.

1075 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1076 (A) no individual other than the candidate receives a certification under Subsection (3)
1077 for the regular primary election ballot of the candidate's registered political party for a
1078 particular elective office; or

1079 (B) for an office where more than one individual is to be elected or nominated, the
1080 number of candidates who receive certification under Subsection (3) for the regular primary
1081 election of the candidate's registered political party does not exceed the total number of

1082 candidates to be elected or nominated for that office.

1083 (ii) A candidate who is unopposed for an elective office in the regular primary election
1084 of a registered political party is nominated by the party for that office without appearing on the
1085 primary election ballot.

1086 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1087 office that represents more than one county, the governor, lieutenant governor, and attorney
1088 general shall, at a public meeting called by the governor and in the presence of the candidates
1089 involved, select the nominee by lot cast in whatever manner the governor determines.

1090 (b) When a tie vote occurs in any primary election for any county office, the district
1091 court judges of the district in which the county is located shall, at a public meeting called by
1092 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1093 whatever manner the judges determine.

1094 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1095 primary election provided for by this section, and all expenses necessarily incurred in the
1096 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1097 county or state, in the same manner as for the regular general elections.

1098 (8) An individual may not file a declaration of candidacy for a registered political party
1099 of which the individual is not a member, except to the extent that the registered political party
1100 permits otherwise under the registered political party's bylaws.

1101 Section 9. Section **20A-9-407** is amended to read:

1102 **20A-9-407. Convention process to seek the nomination of a qualified political**
1103 **party.**

1104 (1) This section describes the requirements for a member of a qualified political party
1105 who is seeking the nomination of a qualified political party for an elective office through the
1106 qualified political party's convention process.

1107 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of
1108 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1109 the nomination of, the qualified political party under this section shall be substantially as
1110 described in Section [20A-9-408.5](#).

1111 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection
1112 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the

1113 nomination of the qualified political party for an elective office that is to be filled at the next
1114 general election, shall:

1115 (a) except as provided in Subsection 20A-9-202(1)(b)(c), file a declaration of
1116 candidacy in person with the filing officer on or after the second Friday in March and before 5
1117 p.m. on the third Thursday in March before the next regular general election; and

1118 (b) pay the filing fee.

1119 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1120 party who, under this section, is seeking the nomination of the qualified political party for the
1121 office of district attorney within a multicounty prosecution district that is to be filled at the next
1122 general election shall:

1123 (a) file a declaration of candidacy with the county clerk designated in the interlocal
1124 agreement creating the prosecution district on or after the second Friday in March and before 5
1125 p.m. on the third Thursday in March before the next regular general election; and

1126 (b) pay the filing fee.

1127 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
1128 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1129 political party, under this section, for the office of governor shall, ~~[on or before 5 p.m. on the~~
1130 ~~first Monday after the third Saturday in April]~~ before the deadline described in Subsection
1131 20A-9-202(1)(b)(i) or (ii), file a declaration of candidacy and submit a letter from the candidate
1132 for governor that names the lieutenant governor candidate as a joint-ticket running mate.

1133 (6) (a) A qualified political party that nominates a candidate under this section shall
1134 certify the name of the candidate to the lieutenant governor before ~~[5 p.m. on the first Monday~~
1135 ~~after the third Saturday in April]~~ the deadline described in Subsection 20A-9-202(1)(b)(i) or
1136 (ii).

1137 (b) The lieutenant governor shall include, in the primary ballot certification or, for a
1138 race where a primary is not held because the candidate is unopposed, in the general election
1139 ballot certification, the name of each candidate nominated by a qualified political party under
1140 this section.

1141 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1142 is nominated by a qualified political party under this section, designate the qualified political
1143 party that nominated the candidate.

1144 Section 10. Section 20A-9-408 is amended to read:

1145 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
1146 **political party.**

1147 (1) This section describes the requirements for a member of a qualified political party
1148 who is seeking the nomination of the qualified political party for an elective office through the
1149 signature-gathering process described in this section.

1150 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
1151 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1152 the nomination of, the qualified political party under this section shall be substantially as
1153 described in Section 20A-9-408.5.

1154 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
1155 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
1156 nomination of the qualified political party for an elective office that is to be filled at the next
1157 general election shall:

1158 (a) within the period beginning on January 1 before the next regular general election
1159 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering
1160 signatures under this section, file with the filing officer on a form approved by the lieutenant
1161 governor a notice of intent to gather signatures for candidacy that includes:

1162 (i) the name of the member who will attempt to become a candidate for a registered
1163 political party under this section;

1164 (ii) the name of the registered political party for which the member is seeking
1165 nomination;

1166 (iii) the office for which the member is seeking to become a candidate;

1167 (iv) the address and telephone number of the member; and

1168 (v) other information required by the lieutenant governor;

1169 (b) except as provided in Subsection 20A-9-202(1)(~~b~~)(c), file a declaration of
1170 candidacy, in person, with the filing officer on or after the second Friday in March and before 5
1171 p.m. on the third Thursday in March before the next regular general election; and

1172 (c) pay the filing fee.

1173 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1174 party who, under this section, is seeking the nomination of the qualified political party for the

1175 office of district attorney within a multicounty prosecution district that is to be filled at the next
1176 general election shall:

1177 (a) on or after January 1 before the next regular general election, and before gathering
1178 signatures under this section, file with the filing officer on a form approved by the lieutenant
1179 governor a notice of intent to gather signatures for candidacy that includes:

1180 (i) the name of the member who will attempt to become a candidate for a registered
1181 political party under this section;

1182 (ii) the name of the registered political party for which the member is seeking
1183 nomination;

1184 (iii) the office for which the member is seeking to become a candidate;

1185 (iv) the address and telephone number of the member; and

1186 (v) other information required by the lieutenant governor;

1187 (b) except as provided in Subsection [20A-9-202\(1\)\(b\)\(c\)](#), file a declaration of
1188 candidacy, in person, with the filing officer on or after the second Friday in March and before 5
1189 p.m. on the third Thursday in March before the next regular general election; and

1190 (c) pay the filing fee.

1191 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate
1192 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1193 political party, under this section, for the office of governor shall, before [~~5 p.m. no later than~~
1194 ~~the first Monday after the third Saturday in April~~] the deadline described in Subsection
1195 [20A-9-202\(1\)\(b\)\(i\) or \(ii\)](#), file a declaration of candidacy and submit a letter from the candidate
1196 for governor that names the lieutenant governor candidate as a joint-ticket running mate.

1197 (6) The lieutenant governor shall ensure that the certification described in Subsection
1198 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
1199 under this section.

1200 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
1201 is nominated by a qualified political party under this section, designate the qualified political
1202 party that nominated the candidate.

1203 (8) A member of a qualified political party may seek the nomination of the qualified
1204 political party for an elective office by:

1205 (a) complying with the requirements described in this section; and

1206 (b) collecting signatures, on a form approved by the lieutenant governor, during the
1207 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before
1208 the day on which the qualified political party's convention for the office is held, in the
1209 following amounts:

1210 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1211 permitted by the qualified political party to vote for the qualified political party's candidates in
1212 a primary election;

1213 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1214 residents of the congressional district and are permitted by the qualified political party to vote
1215 for the qualified political party's candidates in a primary election;

1216 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1217 residents of the state Senate district and are permitted by the qualified political party to vote for
1218 the qualified political party's candidates in a primary election;

1219 (iv) for a state House district race, 1,000 signatures of registered voters who are
1220 residents of the state House district and are permitted by the qualified political party to vote for
1221 the qualified political party's candidates in a primary election;

1222 (v) for a State Board of Education race, the lesser of:

1223 (A) 2,000 signatures of registered voters who are residents of the State Board of
1224 Education district and are permitted by the qualified political party to vote for the qualified
1225 political party's candidates in a primary election; or

1226 (B) 3% of the registered voters of the qualified political party who are residents of the
1227 applicable State Board of Education district; and

1228 (vi) for a county office race, signatures of 3% of the registered voters who are residents
1229 of the area permitted to vote for the county office and are permitted by the qualified political
1230 party to vote for the qualified political party's candidates in a primary election.

1231 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1232 for the qualified political party's nomination for an elective office under this section, the
1233 member shall:

1234 (i) collect the signatures on a form approved by the lieutenant governor, using the same
1235 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

1236 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days

1237 before the day on which the qualified political party holds the party's convention to select
1238 candidates, for the elective office, for the qualified political party's nomination.

1239 (b) An individual may not gather signatures under this section until after the individual
1240 files a notice of intent to gather signatures for candidacy described in this section.

1241 (c) An individual who files a notice of intent to gather signatures for candidacy,
1242 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1243 the notice of intent to gather signatures for candidacy:

1244 (i) required to comply with the reporting requirements that a candidate for office is
1245 required to comply with; and

1246 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1247 apply to a candidate for office in relation to the reporting requirements described in Subsection
1248 (9)(c)(i).

1249 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1250 election officer shall, no later than the earlier of 14 days after the day on which the election
1251 officer receives the signatures, or one day before the day on which the qualified political party
1252 holds the convention to select a nominee for the elective office to which the signature packets
1253 relate:

1254 (i) check the name of each individual who completes the verification for a signature
1255 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1256 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1257 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1258 (iii) determine whether each signer is a registered voter who is qualified to sign the
1259 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
1260 on a petition; and

1261 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1262 signature packet.

1263 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1264 election officer shall, no later than one day before the day on which the qualified political party
1265 holds the convention to select a nominee for the elective office to which the signature packets
1266 relate, notify the qualified political party and the lieutenant governor of the name of each
1267 member of the qualified political party who qualifies as a nominee of the qualified political

1268 party, under this section, for the elective office to which the convention relates.

1269 (f) Upon receipt of a notice of intent to gather signatures for candidacy described in
1270 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1271 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1272 posts a declaration of candidacy.

1273 Section 11. Section **20A-9-409** is amended to read:

1274 **20A-9-409. Primary election provisions relating to qualified political party.**

1275 (1) The [~~fourth Tuesday of June of each even-numbered year is designated as a~~] regular
1276 primary election [~~day~~] is held on the date specified in Section [20A-1-201.5](#).

1277 (2) (a) A qualified political party that nominates one or more candidates for an elective
1278 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that
1279 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election
1280 for that office.

1281 (b) A qualified political party that has only one candidate qualify as a candidate for an
1282 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1283 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for
1284 that office.

1285 (c) A qualified political party that nominates one or more candidates for an elective
1286 office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that
1287 office under Section [20A-9-408](#) shall participate in the primary election for that office.

1288 (d) A qualified political party that has two or more candidates qualify as candidates for
1289 an elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1290 under Section [20A-9-407](#) shall participate in the primary election for that office.

1291 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
1292 [17-52a-201](#) or [17-52a-202](#), a qualified political party shall participate in the primary election
1293 for a county commission office if:

1294 (a) there is more than one:

1295 (i) open position as defined in Section [17-52a-201](#); or

1296 (ii) midterm vacancy as defined in Section [17-52a-201](#); and

1297 (b) the number of candidates nominated under Section [20A-9-407](#) or qualified under
1298 Section [20A-9-408](#) for the respective open positions or midterm vacancies exceeds the number

1299 of respective open positions or midterm vacancies.

1300 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1301 (i) no individual other than the candidate receives a certification, from the appropriate
1302 filing officer, for the regular primary election ballot of the candidate's registered political party
1303 for a particular elective office; or

1304 (ii) for an office where more than one individual is to be elected or nominated, the
1305 number of candidates who receive certification, from the appropriate filing officer, for the
1306 regular primary election of the candidate's registered political party does not exceed the total
1307 number of candidates to be elected or nominated for that office.

1308 (b) ~~[By 5 p.m. on the first Wednesday after the third Saturday in April]~~ Before the
1309 deadline described in Subsection (4)(c), the lieutenant governor shall:

1310 (i) provide to the county clerks:

1311 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1312 county, and county offices who have received certifications from the appropriate filing officer,
1313 along with instructions on how those names shall appear on the primary election ballot in
1314 accordance with Section [20A-6-305](#); and

1315 (B) a list of unopposed candidates for elective office who have been nominated by a
1316 registered political party; and

1317 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1318 election ballot.

1319 (c) The deadline described in Subsection (4)(b) is:

1320 (i) in a year other than 2020, 5 p.m. on the first Wednesday after the third Saturday in
1321 April; or

1322 (ii) in 2020, 5 p.m. April 29.

1323 Section 12. Section **63I-2-220** is amended to read:

1324 **63I-2-220. Repeal dates -- Title 20A.**

1325 (1) On January 1, 2021:

1326 (a) Subsection [20A-1-201.5](#)(1), the language that states "Except as provided in
1327 Subsection (4)," is repealed.

1328 (b) Subsection [20A-1-201.5](#)(4) is repealed.

1329 (c) Subsections [20A-1-204](#)(1)(a)(i) through (iii) are repealed and replaced with the

1330 following:

1331 "(i) the fourth Tuesday in June; or

1332 (ii) the first Tuesday after the first Monday in November."

1333 (d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),

1334 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection
1335 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.

1336 (e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:

1337 "(b) Unless expressly provided otherwise in this title, for a registered political party that
1338 is not a qualified political party, the deadline for filing a declaration of candidacy for an
1339 elective office that is to be filled at the next regular general election is 5 p.m. on the first
1340 Monday after the third Saturday in April.";

1341 (f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:

1342 "(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
1343 the third Saturday in April."

1344 [~~(1)~~] (2) Subsection 20A-5-803(8) is repealed July 1, 2023.

1345 [~~(2)~~] (3) Section 20A-5-804 is repealed July 1, 2023.

1346 [~~(3)~~] (4) On January 1, 2026:

1347 (a) In Subsection 20A-1-102(22)(a), the language that states "or Title 20A, Chapter 4,
1348 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1349 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
1350 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1351 repealed.

1352 (c) In Section 20A-1-304, the language that states "Except for a race conducted by
1353 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
1354 Pilot Project," is repealed.

1355 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
1356 Subsection (5)," is repealed.

1357 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
1358 as provided in Subsections (5) and (6)," is repealed.

1359 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states
1360 "Subject to Subsection (5)," is repealed.

1361 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
1362 20A-3-105 are renumbered accordingly.

1363 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
1364 Subsection (2)(f)," is repealed.

1365 (i) Subsection 20A-4-101(2)(f) is repealed.

1366 (j) Subsection 20A-4-101(3) is repealed and replaced with the following:

1367 " (3) To resolve questions that arise during the counting of ballots, a counting judge
1368 shall apply the standards and requirements of Section 20A-4-105."

1369 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under
1370 Subsection 20A-4-101(2)(f)(i)" is repealed.

1371 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

1372 "(b) To resolve questions that arise during the counting of ballots, a counting judge
1373 shall apply the standards and requirements of Section 20A-4-105."

1374 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
1375 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
1376 under Subsection 20A-4-101(2)(f)(i)" is repealed.

1377 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
1378 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1379 repealed.

1380 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
1381 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1382 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
1383 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
1384 Project," is repealed.

1385 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
1386 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1387 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
1388 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1389 (s) Subsection 20A-4-304(2)(e) is repealed and replaced with the following:

1390 "(v) from each voting precinct:

1391 (A) the number of votes for each candidate; and

- 1392 (B) the number of votes for and against each ballot proposition;".
- 1393 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
- 1394 are renumbered accordingly, and the cross-references to those subsections are renumbered
- 1395 accordingly.
- 1396 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
- 1397 repealed.
- 1398 (v) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local political
- 1399 subdivision to conduct an election, is repealed.
- 1400 (w) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
- 1401 Subsection (3) are renumbered accordingly.
- 1402 (x) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
- 1403 Subsection (4) are renumbered accordingly.
- 1404 (y) In Section 20A-5-802, relating to the certification of voting equipment:
- 1405 (i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of
- 1406 Subsection (2); and
- 1407 (ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered
- 1408 accordingly.
- 1409 (z) Section 20A-6-203.5 is repealed.
- 1410 (aa) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
- 1411 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
- 1412 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.
- 1413 (bb) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter
- 1414 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 1415 (cc) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in
- 1416 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.
- 1417 (dd) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
- 1418 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 1419 (ee) In Subsection 20A-9-404(2), the language that states "Except as otherwise
- 1420 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
- 1421 repealed.
- 1422 [(6)] (5) Section 20A-7-407 is repealed January 1, 2021.

1423 Section 13. **Effective date.**

1424 If approved by two-thirds of all the members elected to each house, this bill takes effect

1425 upon approval by the governor, or the day following the constitutional time limit of Utah

1426 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

1427 the date of veto override.