

SB0054S01 compared with SB0054

{Omitted text} shows text that was in SB0054 but was omitted in SB0054S01

inserted text shows text that was not in SB0054 but was inserted into SB0054S01

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Appearance of Candidate Name on Ballot

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

LONG TITLE

General Description:

This bill addresses the manner in which a candidate's name may appear on a ballot.

Highlighted Provisions:

This bill:

- ▶ establishes criteria for permitting a candidate to:
 - use the candidate's middle name instead of the candidate's first name on a ballot;
 - use the candidate's nickname on a ballot; or
 - use the candidate's initial on a ballot;
- ▶ establishes a procedure for a candidate to request that the candidate's name appear on a ballot as described in the preceding paragraph; and
- ▶ provides for an appeal of a rejection of a request described in the preceding paragraph.

Money Appropriated in this Bill:

None

None

AMENDS:

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- 21 **17B-1-306** , as last amended by Laws of Utah 2024, Chapters 382, 465 , as last amended by Laws of
Utah 2024, Chapters 382, 465
- 22 **20A-6-203** , as last amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of Utah
2020, Chapter 31
- 23 **20A-6-301** , as last amended by Laws of Utah 2021, Chapter 136 , as last amended by Laws of Utah
2021, Chapter 136
- 24 **20A-6-302** , as last amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of Utah
2020, Chapter 31
- 25 **20A-6-401** , as last amended by Laws of Utah 2024, Chapters 438, 465 , as last amended by Laws of
Utah 2024, Chapters 438, 465
- 26 **20A-6-401.1** , as last amended by Laws of Utah 2020, Chapter 31 , as last amended by Laws of
Utah 2020, Chapter 31
- 27 **20A-6-402** , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws of Utah
2024, Chapter 438
- 28 **20A-9-201** , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah
2024, Chapter 465
- 29 **20A-9-203** , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah
2024, Chapter 465
- 30 **20A-9-403** , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws of Utah
2024, Chapter 503
- 31 **20A-9-409** , as last amended by Laws of Utah 2021, Second Special Session, Chapter 6 , as last
amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 32 **20A-12-201** , as last amended by Laws of Utah 2023, Chapter 394 , as last amended by Laws of
Utah 2023, Chapter 394

33 ENACTS:

34 **20A-6-109** , Utah Code Annotated 1953 , Utah Code Annotated 1953

35 RENUMBERS AND AMENDS:

36 **20A-6-110** , (Renumbered from 20A-6-305, as last amended by Laws of Utah 2020, Chapter 49) ,
(Renumbered from 20A-6-305, as last amended by Laws of Utah 2020, Chapter 49)

38

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

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- 40 Section 1. Section **17B-1-306** is amended to read:
- 41 **17B-1-306. Special district board -- Election procedures -- Notice.**
- 45 (1) Except as provided in Subsection (12), each elected board member shall be selected as provided in
this section.
- 47 (2)
- . (a) Each election of a special district board member shall be held:
- 48 (i) at the same time as the municipal general election or the regular general election, as applicable;
and
- 50 (ii) at polling places designated by the special district board in consultation with the county clerk
for each county in which the special district is located, which polling places shall coincide with
municipal general election or regular general election polling places, as applicable, whenever
feasible.
- 54 (b) The special district board, in consultation with the county clerk, may consolidate two or more
polling places to enable voters from more than one district to vote at one consolidated polling place.
- 57 (c)
- . (i) Subject to Subsections (5)(h) and (i), the number of polling places under Subsection (2)(a)(ii) in
an election of board members of an irrigation district shall be one polling place per division of the
district, designated by the district board.
- 60 (ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall
coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).
- 63 (3)
- . (a) The clerk of each special district with a board member position to be filled at the next municipal
general election or regular general election, as applicable, shall provide notice of:
- 66 (i) each elective position of the special district to be filled at the next municipal general election or
regular general election, as applicable;
- 68 (ii) the constitutional and statutory qualifications for each position; and
- 69 (iii) the dates and times for filing a declaration of candidacy.
- 70 (b) If the election is to be held at the same time as the municipal general election, a declaration of
candidacy shall be filed on the days specified in Subsection 20A-9-203(3)(a)(i).
- 73 (c) If the election is to be held at the same time as the regular general election, a declaration of
candidacy shall be filed by the deadline stated in Subsection 20A-9-201.5(2).

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- 76 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a) for the special
district, as a class A notice under Section 63G-30-102, for at least 10 days before the first day for
filing a declaration of candidacy.
- 79 (5)
- . (a) Except as provided in Subsection (5)(c), to become a candidate for an elective special district board
position, an individual shall file a declaration of candidacy in person with an official designated by
the special district within the candidate filing period for the applicable election year in which the
election for the special district board is held and:
- 84 (i) during the special district's standard office hours, if the standard office hours provide at least
three consecutive office hours each day during the candidate filing period that is not a holiday or
weekend; or
- 87 (ii) if the standard office hours of a special district do not provide at least three consecutive office
hours each day, a three-hour consecutive time period each day designated by the special district
during the candidate filing period that is not a holiday or weekend.
- 91 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing time shall be
extended until the close of normal office hours on the following regular business day.
- 94 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a declaration of candidacy
with the official designated by the special district if:
- 96 (i) the individual is located outside of the state during the entire filing period;
- 97 (ii) the designated agent appears in person before the official designated by the special district; and
- 99 (iii) the individual communicates with the official designated by the special district using an electronic
device that allows the individual and official to see and hear each other.
- 102 (d)
- . (i) Before the filing officer may accept any declaration of candidacy from an individual, the filing
officer shall:
- 104 (A) read to the individual the constitutional and statutory qualification requirements for the office
that the individual is seeking; and
- 106 (B) require the individual to state whether the individual meets those requirements.
- 107 (ii) If the individual does not meet the qualification requirements for the office, the filing officer may
not accept the individual's declaration of candidacy.

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(iii) If it appears that the individual meets the requirements of candidacy, the filing officer shall accept the individual's declaration of candidacy.

111 (e) The declaration of candidacy shall be in substantially the following form:

112 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
_____, City of _____, County of _____, state of Utah, (Zip
Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
office of board of trustees member for _____ (state the name of the special
district); that I am a candidate for that office to be voted upon at the next election; and that, if filing
via a designated agent, I will be out of the state of Utah during the entire candidate filing period, and
I hereby request that my name be printed upon the official ballot for that election.

120 (Signed) _____

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

123 (Signed) _____

124 (Clerk or Notary Public)".

125 (f) An agent designated under Subsection (5)(c) may not sign the form described in Subsection (5)(e).

127 (g) Each individual wishing to become a valid write-in candidate for an elective special district board position is governed by Section 20A-9-601.

129 (h) If at least one individual does not file a declaration of candidacy as required by this section, an individual shall be appointed to fill that board position in accordance with the appointment provisions of Section 20A-1-512.

132 (i) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:

135 (i) consider the candidate to be elected to the position; and

136 (ii) cancel the election.

137 (6)

. (a) A primary election may be held if:

138 (i) the election is authorized by the special district board; and

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

141 (b) The primary election shall be conducted:

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- 142 (i) on the same date as the municipal primary election or the regular primary election, as applicable; and
144 (ii) according to the procedures for primary elections provided under Title 20A, Election Code.
146 (7)
- . (a) Except as provided in Subsection (7)(c), within one business day after the deadline for filing a
declaration of candidacy, the special district clerk shall certify the candidate names to the clerk of
each county in which the special district is located.
- 149 (b)
- . (i) Except as provided in Subsection (7)(c) and in accordance with [~~Section 20A-6-305~~] Sections
20A-6-109 and 20A-6-110, the clerk of each county in which the special district is located and
the special district clerk shall coordinate [~~the~~] placement of the name of each candidate for special
district office in the nonpartisan section of the ballot with the appropriate election officer.
- 154 (ii) If consolidation of the special district election ballot with the municipal general election ballot or
the regular general election ballot, as applicable, is not feasible, the special district board of trustees,
in consultation with the county clerk, shall provide for a separate special district election ballot to be
administered by poll workers at polling places designated under Subsection (2).
- 159 (c)
- . (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board of an irrigation
district established under Chapter 2a, Part 5, Irrigation District Act.
- 161 [(ii)
- . (A) ~~Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall prescribe the form of
the ballot for each board member election.]~~
- 163 [(B) ~~Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.]~~
- 165 [(C) ~~The name of each candidate shall be placed on the ballot in the order specified under Section
20A-6-305.]~~
- 167 (ii) The board of an irrigation district shall:
- 168 (A) subject to Subsections (7)(c)(ii)(B) and (C), establish the form of the ballot for a board member
election;
- 170 (B) ensure that the ballot is in a nonpartisan format; and
- 171 (C) ensure that the name of each candidate is placed on the ballot in accordance with Sections
20A-6-109 and 20A-6-110.
- 173 (8)

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- . (a) Each voter at an election for a board of trustees member of a special district shall:
- 174 (i) be a registered voter within the district, except for an election of:
- 175 (A) an irrigation district board of trustees member; or
- 176 (B) a basic special district board of trustees member who is elected by property owners; and
- 178 (ii) meet the requirements to vote established by the district.
- 179 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 180 (c) The candidates who receive the highest number of votes are elected.
- 181 (9) Except as otherwise provided by this section, the election of special district board members is governed by Title 20A, Election Code.
- 183 (10)
- . (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a special district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.
- 186 (b) A person elected shall be sworn in as soon as practical after January 1.
- 187 (11)
- . (a) Except as provided in Subsection (11)(b), each special district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that special district.
- 190 (b) Each irrigation district shall bear the district's own costs of each election the district holds under this section.
- 192 (12) This section does not apply to an improvement district that provides electric or gas service.
- 194 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A, Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 196 (14)
- . (a) As used in this Subsection (14), "board" means:
- 197 (i) a special district board; or
- 198 (ii) the administrative control board of a special service district that has elected members on the board.
- 200 (b) If a board desires to hold elections for membership on the board at a regular general election instead of a municipal general election , or at a municipal general election instead of a regular general election, the board may submit an application to the lieutenant governor that:

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- (i) requests permission to change the election year for membership on the board in a manner described in this Subsection (14)(b);
- 206 (ii) indicates that a change in the election year is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason; and
- 208 (iii) if a change in the election year may result in shortening a board member's term of office, indicates that the members of the board unanimously support the lieutenant governor taking that action.
- 211 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant governor may approve the if:
- 213 (i) the lieutenant governor concludes that changing the election year is beneficial based on the criteria described in Subsection (14)(b)(ii); and
- 215 (ii) for an application that may result in shortening a board member's term of office, the application satisfies the unanimity requirement described in Subsection (14)(b)(iii).
- 218 (d) If the lieutenant governor approves a board's application described in this section:
- 219 (i) all future elections for membership on the board shall be held at the time of the general election specified in the application; and
- 221 (ii) the board may not hold elections at the time of an election other than the general election specified in the application, unless the board receives permission from the lieutenant governor to change the election under the same procedure, and by applying the same criteria, described in this Subsection (14).
- 225 (15)
- . (a) This Subsection (15) applies to a special district if:
- 226 (i) the special district's board members are elected by the owners of real property, as provided in Subsection 17B-1-1402(1)(b); and
- 228 (ii) the special district was created before January 1, 2020.
- 229 (b) The board of a special district described in Subsection (15)(a) may conduct an election:
- 231 (i) to fill a board member position that expires at the end of the term for that board member's position; and
- 233 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired term of a board member.
- 235 (c) An election under Subsection (15)(b) may be conducted as determined by the special district board, subject to Subsection (15)(d).

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237 (d)

. (i) The special district board shall provide to property owners eligible to vote at the special district election:

239 (A) notice of the election; and

240 (B) a form to nominate an eligible individual to be elected as a board member.

241 (ii)

. (A) The special district board may establish a deadline for a property owner to submit a nomination form.

243 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after the board provides the notice and nomination form under Subsection (15)(d)(i).

246 (iii)

. (A) After the deadline for submitting nomination forms, the special district board shall provide a ballot to all property owners eligible to vote at the special district election.

249 (B) A special district board shall allow at least five days for ballots to be returned.

250 (iv) A special district board shall certify the results of an election under this Subsection (15) during an open meeting of the board.

249 Section 2. Section 2 is enacted to read:

250 **20A-6-109. Appearance of candidate's name on ballot -- {Use of middle name or nickname}**

Name variations -- Appeal.

255 (1) Except as otherwise provided in this section, an election officer shall ensure that a candidate's name appears on the ballot with the candidate's legal first name, followed by the candidate's legal surname.

258 ~~{(2) {If two or more candidates for the same office have the same or similar first names and surnames, the election officer may authorize the use of a legal middle name, or the first initial of a legal middle name, to differentiate between the candidates.}}~~

261 ~~{(3)}~~ (2) An election officer shall place on the ballot a candidate's legal middle name ~~{on}~~, or a ~~{ballot}~~ common derivative of the candidate's legal middle name, in place of the candidate's legal first name, if:

263 (a) the candidate normally uses the candidate's legal middle name, or the common derivative, instead of the candidate's legal first name; and

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- (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy period ends, the candidate files with the election officer:
- 267 (i) a request that the election officer place on the ballot the candidate's legal middle name { on the ballot }, or a common derivative of the candidate's legal middle name, instead of the candidate's legal first name, specifying the candidate's legal middle name, or the common derivative of the candidate's legal middle name;
- 270 (ii) an affidavit signed by the candidate in which the candidate states, under penalty of perjury, that the candidate is generally known by acquaintances in the candidate's county of residence by the legal middle name, or the common derivative of the legal middle name, specified in the request described in Subsection { ~~(3)(b)(i)~~ } (2)(b)(i), and stated in the affidavit, instead of the candidate's legal first name; and
- 275 (iii) an affidavit signed by five residents of the candidate's county of residence who are not immediate family members of the candidate stating, under penalty of perjury, that the candidate is generally known by acquaintances in the candidate's county of residence by the legal middle name, or the common derivative of the legal middle name, specified in the request described in Subsection { ~~(3)(b)(i)~~ } (2)(b)(i), and stated in the affidavit, instead of the candidate's legal first name.
- 281 { ~~(4)~~ } (3) { In addition } Subject to { a candidate's name appearing on a ballot as otherwise described in this section } Subsection (4), an election officer shall { include on the ballot } place a candidate's nickname { used by the candidate, set off in quotation marks } on a ballot, if:
- 284 (a) the election officer determines that the nickname:
- 285 (i) does not imply that the candidate is an individual other than the candidate, regardless of whether the individual is living or deceased;
- 287 (ii) does not constitute a slogan;
- 288 (iii) does not associate the candidate with an economic, religious, political, or other group, issue, or opinion;
- 290 (iv) is not offensive, profane, or spurious; and
- 291 (v) is not a title, rank, degree, certification, job description, or similar designation; and
- 292 (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy period ends, the candidate files with the election officer:
- 294

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- (i) a request that the election officer ~~{include}~~ place the candidate's nickname on the ballot, specifying the desired nickname and, in accordance with Subsection (4), the desired placement of the nickname;
- 296 (ii) an affidavit signed by the candidate in which the candidate states, under penalty of perjury, that the candidate:
- 298 (A) is generally known by acquaintances in the candidate's county of residence by the nickname specified in the request described in Subsection ~~{(4)(b)(i)}~~ (3)(b)(i) and stated in the affidavit; and
- 301 (B) is not using the nickname to gain an advantage on the ballot; and
- 302 (iii) an affidavit signed by five residents of the candidate's county of residence who are not immediate family members of the candidate stating, under penalty of perjury, that the candidate is generally known by acquaintances in the candidate's county of residence by the nickname specified in the request described in Subsection ~~{(4)(b)(i)}~~ (3)(b)(i) and stated in the affidavit.
- 307 ~~{(5)}~~ }
- 304 (4) If, under Subsection (3), an election officer places a candidate's nickname on the ballot, the candidate may choose one of the following:
- 306 (a) to place the nickname on the ballot before or after the candidate's legal first name;
- 307 (b) to place the nickname on the ballot before or after the candidate's legal middle name, if the candidate's legal middle name appears on the ballot under Subsection (2) or (7); or
- 310 (c) to place the nickname on the ballot in place of the candidate's legal first name.
- . ~~{(a)}~~ (5) An election officer may, without requiring compliance with Subsection ~~{(4)}~~ (3), approve a written request filed with the election officer no later than 5 p.m. on the day on which the applicable declaration of candidacy period ends, to:
- 308 ~~{(i)}~~ (a) ~~{approve}~~ place on the ~~{use-of}~~ ballot a nickname instead of a legal first name, ~~{and without requiring the nickname to appear in quotes,}~~ if the nickname is a common derivative of the legal first name; ~~{or}~~
- 311 ~~{(ii)}~~ (b) ~~{approve}~~ place on the ~~{use-of}~~ ballot the first initial of a legal middle name between a legal first name, or a common derivative of the legal first name, and a legal last name~~{:}~~; or
- 313 ~~{(b)}~~ {An election officer who, under Subsection (2), approves the use of a legal middle name instead of a legal first name may, without requiring compliance with Subsection (4):}
- 316 ~~{(i)}~~ (c) ~~{approve}~~ place on the ballot the ~~{use}~~ first initial of a ~~{nickname instead of}~~ legal first name before a legal middle name, ~~{and without requiring}~~ or a common derivative of

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the ~~{nickname to appear in quotes}~~ legal middle name, if the ~~{nickname is}~~ candidate's legal middle name, or a common derivative of the legal middle name ~~{;or}~~, appears on the ballot under Subsection (2) or (7).

319 ~~{(ii) {approve the use of the first initial of a legal first name before a legal middle name.}}~~

320 (6)

(a) An election officer shall approve or reject a request filed ~~{in accordance with}~~ under Subsection ~~{(3)(b)}~~ (2)(b), (3)(b), or (4)(b) (5) within five business days after the day on which the election officer receives the request.

323 (b) Failure by an election officer to timely comply with Subsection (6)(a) is considered a rejection of the request.

325 (c) If an election officer rejects a request ~~{to place a middle name on a ballot under Subsection (3), rejects a request to place a nickname on a ballot under}~~ described in Subsection ~~{(4),}~~ (6)(a) or fails to timely comply with Subsection (6)(a), the candidate may, within five days after the day of the rejection or, if the election officer fails to timely comply with Subsection (6)(a), within five days after the day of the deadline described in Subsection (6)(a), appeal the rejection to a court with jurisdiction.

332 (7) If two or more candidates for the same office have the same or similar names, the election officer may do one of the following, to the extent the election officer determines necessary, to differentiate between the candidates:

335 (a) for one or more of the candidates, include the candidate's legal middle name, in addition to the candidate's legal first name and legal last name; or

337 (b) negotiate another manner of differentiation with the candidates who have the same or similar names.

331 ~~{(7)}~~ (8) Regardless of whether an election officer approves ~~{the use}~~ placement of a ~~{middle}~~ candidate's name ~~{,}~~ on the ballot in a ~~{nickname, a common derivative nickname, or an initial under this section}~~ manner other than the candidate's legal first name followed by the candidate's legal last name, the candidate's legal name will be used to determine the order of placement on the ballot under Section 20A-6-110.

343 Section 3. Section **20A-6-110** is renumbered and amended to read:

345 **[20A-6-305] 20A-6-110. Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

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- (1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).
- 342 (2) The lieutenant governor shall:
- 343 (a) within 30 days after the candidate filing deadline in each even-numbered year, conduct a random selection to create a master ballot position list for all elections in accordance with procedures established under Subsection (2)(c);
- 346 (b) publish the master ballot position list on the lieutenant governor's election website no later than 15 days after creating the list; and
- 348 (c) establish written procedures for:
- 349 (i) the election official to use the master ballot position list; and
- 350 (ii) the lieutenant governor in:
- 351 (A) conducting the random selection in a fair manner; and
- 352 (B) providing a record of the random selection process used.
- 353 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.
- 356 (4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using:
- 358 (a) the candidate's surname;
- 359 (b) for candidates with a surname that has the same spelling~~;~~{ } { }:
- 360 ~~{(i)} the candidate's {f} given{ } first name;~~ {f} and {or} .:
- 361 (i) the candidate's legal first name; or
- 361 (ii) ~~{the candidate's middle} if the candidates also have a legal first name{-if} that has~~ the {candidate qualifies} same spelling, ~~{under Section 20A-6-109, to place}~~ the candidate's legal middle {name on the ballot instead of the candidate's first} name; and
- 364 (c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor.
- 366 (5) Subsections (1) through (4) do not apply to:
- 367 (a) an election for an office for which only one candidate is listed on the ballot; or
- 368 (b) a judicial retention election under Section 20A-12-201.
- 369

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(6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately, in the following order:

- 371 (a) for federal office:
 - 372 (i) president and vice president of the United States;
 - 373 (ii) United States Senate office; and
 - 374 (iii) United States House of Representatives office;
- 375 (b) for state office:
 - 376 (i) governor and lieutenant governor;
 - 377 (ii) attorney general;
 - 378 (iii) state auditor;
 - 379 (iv) state treasurer;
 - 380 (v) state Senate office;
 - 381 (vi) state House of Representatives office; and
 - 382 (vii) State Board of Education member;
- 383 (c) for county office:
 - 384 (i) county executive office;
 - 385 (ii) county legislative body member;
 - 386 (iii) county assessor;
 - 387 (iv) county or district attorney;
 - 388 (v) county auditor;
 - 389 (vi) county clerk;
 - 390 (vii) county recorder;
 - 391 (viii) county sheriff;
 - 392 (ix) county surveyor;
 - 393 (x) county treasurer; and
 - 394 (xi) local school board member;
- 395 (d) for municipal office:
 - 396 (i) mayor; and
 - 397 (ii) city or town council member;
- 398 (e) elected planning and service district council member;
- 399 (f) judicial retention questions; and

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- 400 (g) ballot propositions not described in Subsection (6)(f).
401 (7)
- . (a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest ballot ticket position that is reserved for an office that is subsumed in the combined office.
- 404 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
405 (i) each candidate in accordance with Subsections (1) through (4); and
406 (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.
- 416 Section 4. Section **20A-6-203** is amended to read:
417 **20A-6-203. Ballots for regular primary elections.**
- 410 (1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:
412 (a) develop ballots to be used in Utah's regular primary election;
413 (b) ensure that the ballots comply[~~generally~~], where applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, Section 20A-6-109, Section 20A-6-110, and this section; and
416 (c) provide voting booths, election records and supplies, ballot boxes, and as applicable, voting devices, for each voting precinct as required by Section 20A-5-403.
- 418 (2)
. (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and 20A-6-401.1, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, voting booths, election records and supplies, and ballot boxes:
423 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all voters are authorized to vote for a party's candidate;
425 (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
427 (iii) minimize the possibility of spoiled ballots due to voter confusion; and
428 (iv) protect against fraud.
- 429 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:

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- 432 (i) mark ballots as being for a particular registered political party; and
433 (ii) instruct individuals counting the ballots to count only those votes for candidates from the registered
political party whose ballot the voter received.
- 443 Section 5. Section **20A-6-301** is amended to read:
444 **20A-6-301. Manual ballots -- Regular general election.**
- 437 (1) Each election officer shall ensure that:
438 (a) all manual ballots furnished for use at the regular general election contain:
439 (i) no captions or other endorsements except as provided in this section;
440 (ii) no symbols, markings, or other descriptions of a political party or group, except for a registered
political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and
443 (iii) no indication that a candidate for elective office has been nominated by, or has been endorsed
by, or is in any way affiliated with a political party or group, unless the candidate has been
nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection
20A-9-403(5);
- 447 (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:
448 (i) "Official Ballot for ____ County, Utah";
449 (ii) the date of the election; and
450 (iii) the words "certified by the Clerk of _____ County" or, as applicable, the name of a combined
office that includes the duties of a county clerk;
- 452 (c) unaffiliated candidates, candidates not affiliated with a registered political party, and all other
candidates for elective office who were not nominated by a registered political party in accordance
with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates
for the same office in accordance with [~~Section 20A-6-305~~] Sections 20A-6-109 and 20A-6-110,
without a party name or title;
- 458 (d) each ticket containing the lists of candidates, including the party name and device, are separated by
heavy parallel lines;
- 460 (e) the offices to be filled are plainly printed immediately above the names of the candidates for those
offices;
- 462 (f) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-
fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-
eighths of an inch apart; and

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- 465 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in
candidate is qualified under Section 20A-9-601:
- 467 (i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on
that ticket; or
- 469 (ii) for the offices of president and vice president and governor and lieutenant governor, the ballot
includes two spaces for write-in candidates immediately following the last candidates on that ticket,
one placed above the other, to enable the entry of two valid write-in candidates.
- 473 (2) An election officer shall ensure that:
- 474 (a) each individual nominated by any registered political party under Subsection 20A-9-202(4) or
Subsection 20A-9-403(5), and no other individual, is placed on the ballot:
- 477 (i) under the registered political party's name, if any; or
- 478 (ii) under the title of the registered political party as designated by them in their certificates of
nomination or petition, or, if none is designated, then under some suitable title;
- 481 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5, Candidates not
Affiliated with a Party, are placed on the ballot;
- 483 (c) the names of the candidates for president and vice president are used on the ballot instead of the
names of the presidential electors; and
- 485 (d) the ballots contain no other names.
- 486 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- 487 (a) the designation of the office to be filled in the election and the number of candidates to be elected
are printed in type not smaller than eight point;
- 489 (b) the words designating the office are printed flush with the left-hand margin;
- 490 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter
may vote)" extend to the extreme right of the column;
- 492 (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
- 494 (e) the names in each group are placed in [~~the order specified under Section 20A-6-305~~] accordance
with Sections 20A-6-109 and 20A-6-110, with the surnames last; and
- 496 (f) each group is preceded by the designation of the office for which the candidates seek election, and
the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter
may vote)," according to the number to be elected.
- 499 (4) Each election officer shall ensure that:

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- 500 (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section
20A-6-107;
- 502 (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section
20A-6-107;
- 504 (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to
each bond proposition under Section 11-14-206; and
- 506 (d) the judicial retention section of the ballot includes a statement at the beginning directing voters
to the Judicial Performance Evaluation Commission's website in accordance with Subsection
20A-12-201(4).
- 517 Section 6. Section **20A-6-302** is amended to read:
- 518 **20A-6-302. Manual ballots -- Placement of candidates' names.**
- 511 (1) An election officer shall ensure, for manual ballots in regular general elections, that:
- 512 (a) each candidate is listed by party, if nominated by a registered political party under Subsection
20A-9-202(4) or Subsection 20A-9-403(5);
- 514 (b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates'
names are required to be listed on a ticket under the title of an office; and
- 516 (c) the names of candidates are placed on the ballot in:
- 517 (i) the manner described in Section 20A-6-109; and
- 518 (ii) the order [~~specified under Section 20A-6-305~~] described in Section 20A-6-110.
- 519 (2)
- . (a) When there is only one candidate for county attorney at the regular general election in counties
that have three or fewer registered voters of the county who are licensed active members in
good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party
affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall
(name of candidate) be elected to the office of county attorney? Yes ____ No ____."
- 525 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office
of county attorney.
- 527 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and
may not take office, nor may the candidate continue in the office past the end of the term resulting
from any prior election or appointment.

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- (d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.
- 533 (e) If no qualified individual files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.
- 536 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:
- 543 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
- 544 (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.
- 547 (3)
- . (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes ____ No ____."
- 553 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.
- 555 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
- 558 (d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.

561

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- (e) If no qualified individual files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.
- 565 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:
- 572 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 573 (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.
- 584 Section 7. Section **20A-6-401** is amended to read:
- 585 **20A-6-401. Ballots for municipal primary elections.**
- 578 (1) Each election officer shall ensure that:
- 579 (a) the following endorsements are printed in 18 point bold type:
- 580 (i) "Official Primary Ballot for ____ (City or Town), Utah";
- 581 (ii) the date of the election; and
- 582 (iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;
- 584 (b) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;
- 586 (c) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10 point bold type that states: "To vote for a candidate, mark the space adjacent to the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;
- 590 (d) after the rules, the designation of the office for which the candidates seek nomination is printed and the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter may vote)" are printed in 10-point bold type, followed by a hair-line rule;
- 594 (e) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in [~~the order specified under Section 20A-6-305~~] accordance with

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Sections 20A-6-109 and 20A-6-110, with surnames last and grouped according to the office that [they] the candidates seek;

- 598 (f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names
of the candidates; and
- 600 (g) the candidate groups are separated from each other by one light and one heavy line or rule.
- 602 (2) A municipal primary ballot may not contain any space for write-in votes.
- 611 Section 8. Section **20A-6-401.1** is amended to read:
- 612 **20A-6-401.1. Ballots for partisan municipal primary elections.**
- 605 (1) An election officer shall ensure that:
- 606 (a) all manual ballots furnished for use at the regular primary election:
- 607 (i) separate the candidates of one political party from those of the other political parties; and
- 609 (ii) contain no captions or other endorsements except as provided in this section;
- 610 (b) the names of all candidates from each party are listed on the same ballot in one or more columns
under their party name and emblem;
- 612 (c) the political parties are printed on the ballot in the order specified under Section
[20A-6-305] 20A-6-110;
- 614 (d) the following endorsements are printed in 18-point bold type:
- 615 (i) "Official Primary Ballot for ____ (name of municipality), Utah";
- 616 (ii) the date of the election; and
- 617 (iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;
- 619 (e) after the facsimile signature, the political party emblem and the name of the political party are
printed;
- 621 (f) after the party name and emblem, the ballot contains the following printed in not smaller than 10-
point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, mark the space
following the name of the person for whom you wish to vote and in no other place. Do not vote for
any candidate listed under more than one party or group designation.", followed by two one-point
parallel horizontal rules;
- 626 (g) after the rules, the designation of the office for which the candidates seek nomination is printed
flush with the left-hand margin and the words, "Vote for one" or "Vote for up to ____ (the number
of candidates for which the voter may vote)" are printed to extend to the extreme right of the column
in 10-point bold type, followed by a hair-line rule;

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- 631 (h) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or
rules three-eighths inch apart, in [~~the order specified under Section 20A-6-305~~] accordance with
637 Sections 20A-6-109 and 20A-6-110, with surnames last and grouped according to the office that
they seek;
- 635 (i) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of
the candidates;
- 637 (j) the candidate groups are separated from each other by one light and one heavy line or rule; and
- 639 (k) the nonpartisan candidates are listed as follows:
- 640 (i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in
reverse type in an 18 point solid rule that extends the full width of the type copy of the party listing
above; and
- 643 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name,
the voting square, and any other necessary information is printed in the same style and manner as for
party candidates.
- 646 (2) For mechanical ballots, the election officer may require that:
- 647 (a) the ballot for a regular primary election consist of several groups of pages or display screens, so that
a separate group can be used to list the names of candidates seeking nomination of each qualified
political party, with additional groups used to list candidates for other nonpartisan offices;
- 651 (b) the separate groups of pages or display screens are identified by color or other suitable means; and
- 653 (c) the ballot contains instructions that direct the voter how to vote the ballot.
- 662 Section 9. Section **20A-6-402** is amended to read:
- 663 **20A-6-402. Ballots for municipal general elections.**
- 656 (1) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter
4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual ballot at a municipal
general election, an election officer shall ensure that:
- 659 (a) the names of the two candidates who received the highest number of votes for mayor in the
municipal primary are placed upon the ballot;
- 661 (b) if no municipal primary election was held, the names of the candidates who filed declarations of
candidacy for municipal offices are placed upon the ballot;
- 663 (c) for other offices:
- 664

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- (i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and
- 667 (ii) the names of those candidates are placed upon the municipal general election ballot;
- 669 (d) the names of the candidates are placed on the ballot in [~~the order specified under Section 20A-6-305~~] accordance with Sections 20A-6-109 and 20A-6-110;
- 671 (e) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the ballot that contains, for each office in which there is a qualified write-in candidate:
- 675 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
- 676 (ii) a square or other conforming area that is adjacent to or opposite the blank horizontal line to enable the voter to indicate the voter's vote;
- 678 (f) ballot propositions that have qualified for the ballot, including propositions submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are listed on the ballot in accordance with Section 20A-6-107; and
- 681 (g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.
- 683 (2) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a mechanical ballot at municipal general elections, each election officer shall ensure that:
- 686 (a) the following endorsements are displayed on the first portion of the ballot:
- 687 (i) "Official Ballot for ____ (City or Town), Utah";
- 688 (ii) the date of the election; and
- 689 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 690 (b) immediately below the election officer's title, a distinct border or line separates the endorsements from the rest of the ballot;
- 692 (c) immediately below the border or line, an "Instructions to Voters" section is displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by another border or line;
- 695

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- (d) after the border or line, the designation of the office for which the candidates seek election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter may vote)" are displayed, followed by a line or border;
- 699 (e) after the line or border, the names of the candidates are displayed in [~~the order specified under~~
Section 20A-6-305] accordance with Sections 20A-6-109 and 20A-6-110, with surnames last and
grouped according to the office that [~~they~~] the candidates seek;
- 703 (f) a voting square or position is located adjacent to the name of each candidate;
- 704 (g) following the name of the last candidate for each office in which a write-in candidate is qualified
under Section 20A-9-601, the ballot contains a write-in space where the voter may enter the name of
and vote for a valid write-in candidate for the office; and
- 707 (h) the candidate groups are separated from each other by a line or border.
- 708 (3) When a municipality has chosen to nominate candidates by convention or committee, the election
officer shall ensure that the party name is included with the candidate's name on the ballot.
- 719 Section 10. Section **20A-9-201** is amended to read:
- 720 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than
one political party prohibited with exceptions -- General filing and form requirements -- Affidavit
of impecuniosity.**
- 715 (1) Before filing a declaration of candidacy for election to any office, an individual shall:
- 716 (a) be a United States citizen;
- 717 (b) meet the legal requirements of that office; and
- 718 (c) if seeking a registered political party's nomination as a candidate for elective office, state:
- 720 (i) the registered political party of which the individual is a member; or
- 721 (ii) that the individual is not a member of a registered political party.
- 722 (2)
- . (a) Except as provided in Subsection (2)(b), an individual may not:
- 723 (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any
election year;
- 725 (ii) appear on the ballot as the candidate of more than one political party; or
- 726 (iii) file a declaration of candidacy for a registered political party of which the individual is not
a member, except to the extent that the registered political party permits otherwise in the
registered political party's bylaws.

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- 729 (b)
- . (i) An individual may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the individual resigns the individual's candidacy for the other office after the individual is officially nominated for president or vice president of the United States.
- 734 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.
- 736 (iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.
- 741 (3)
- . (a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:
- 743 (i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking;
- 745 (ii) require the individual to state whether the individual meets the requirements described in Subsection (3)(a)(i);
- 747 (iii) if the declaration of candidacy is for a county office, inform the individual that an individual who holds a county elected office may not, at the same time, hold a municipal elected office; and
- 750 (iv) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.
- 754 (b) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the individual filing that declaration of candidacy is:
- 756 (i) a United States citizen;
- 757 (ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
- 759 (iii) a registered voter in the county in which the individual is seeking office; and
- 760

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- (iv) a current resident of the county in which the individual is seeking office and either has been a resident of that county for at least one year before the date of the election or was appointed and is currently serving as county attorney and became a resident of the county within 30 days after appointment to the office.
- 764 (c) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the individual filing that declaration of candidacy is:
- 767 (i) a United States citizen;
- 768 (ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
- 770 (iii) a registered voter in the prosecution district in which the individual is seeking office; and
- 772 (iv) a current resident of the prosecution district in which the individual is seeking office and either will have been a resident of that prosecution district for at least one year before the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.
- 777 (d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the individual filing the declaration:
- 779 (i) is a United States citizen;
- 780 (ii) is a registered voter in the county in which the individual seeks office;
- 781 (iii)
- . (A) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
- 784 (B) has met the waiver requirements in Section 53-6-206;
- 785 (iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and
- 787 (v) before the date of the election, will have been a resident of the county in which the individual seeks office for at least one year.
- 789 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure that the individual filing the declaration of candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.
- 794

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- (4) If an individual who files a declaration of candidacy does not meet the qualification requirements for the office the individual is seeking, the filing officer may not accept the individual's declaration of candidacy.
- 797 (5) If an individual who files a declaration of candidacy meets the requirements described in Subsection
(3), the filing officer shall:
- 799 (a) inform the individual that:
- 800 (i) subject to Section 20A-6-109, the individual's name will appear on the ballot as the individual's
name is written on the individual's declaration of candidacy;
- 802 (ii) the individual may be required to comply with state or local campaign finance disclosure laws; and
- 804 (iii) the individual is required to file a financial statement before the individual's political convention
under:
- 806 (A) Section 20A-11-204 for a candidate for constitutional office;
- 807 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 808 (C) local campaign finance disclosure laws, if applicable;
- 809 (b) except for a presidential candidate, provide the individual with a copy of the current campaign
financial disclosure laws for the office the individual is seeking and inform the individual that
failure to comply will result in disqualification as a candidate and removal of the individual's name
from the ballot;
- 813 (c)
- . (i) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic
Voter Information Website Program and inform the individual of the submission deadline under
Subsection 20A-7-801(4)(a);
- 816 (ii) inform the individual that the individual must provide the filing officer with an email address that
the individual actively monitors:
- 818 (A) to receive a communication from a filing officer or an election officer; and
- 819 (B) if the individual wishes to display a candidate profile on the Statewide Electronic Voter Information
Website, to submit to the website the biographical and other information described in Subsection
20A-7-801(4)(a)(ii);
- 823 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is not a record under
Title 63G, Chapter 2, Government Records Access and Management Act; and
- 826 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);

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- 827 (d) provide the candidate with a copy of the pledge of fair campaign practices described under Section
20A-9-206 and inform the candidate that:
- 829 (i) signing the pledge is voluntary; and
- 830 (ii) signed pledges shall be filed with the filing officer;
- 831 (e) accept the individual's declaration of candidacy; and
- 832 (f) if the individual has filed for a partisan office, provide a certified copy of the declaration of
candidacy to the chair of the county or state political party of which the individual is a member.
- 835 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- 837 (a) accept the candidate's pledge; and
- 838 (b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to
the chair of the county or state political party of which the candidate is a member.
- 841 (7)
- . (a) Except for a candidate for president or vice president of the United States, the form of the
declaration of candidacy shall:
- 843 (i) be substantially as follows:
- 844 "State of Utah, County of ____
- 845 I, _____, declare my candidacy for the office of _____, seeking the nomination of
the ____ party. I do solemnly swear, under penalty of perjury, that: I will meet the qualifications
to hold the office, both legally and constitutionally, if selected; I reside at _____ in the
City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law
governing campaigns and elections; if filing via a designated agent, I will be out of the state of
Utah during the entire candidate filing period; I will file all campaign financial disclosure reports
as required by law; and I understand that failure to do so will result in my disqualification as a
candidate for this office and removal of my name from the ballot. The mailing address that I
designate for receiving official election notices is _____.
- 855 _____
- 856 Subscribed and sworn before me this _____(month\day\year).
- 857 Notary Public (or other officer qualified to administer oath)."; and
- 858 (ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):
- 860 (A) the registered political party of which the candidate is a member; or
- 861 (B) that the candidate is not a member of a registered political party.

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- 862 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of candidacy may not
sign the form described in Subsection (7)(a) or Section 20A-9-408.5.
- 865 (8)
- . (a) Except for a candidate for president or vice president of the United States, the fee for filing a
declaration of candidacy is:
- 867 (i) \$50 for candidates for the local school district board; and
- 868 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person
holding the office for all other federal, state, and county offices.
- 870 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:
- 872 (i) who is disqualified; or
- 873 (ii) who the filing officer determines has filed improperly.
- 874 (c)
- . (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.
- 876 (ii) The lieutenant governor shall:
- 877 (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of
nomination certificates or acceptances; and
- 879 (B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor
from the congressional district that the total vote of that county for all candidates for representative
in Congress bears to the total vote of all counties within the congressional district for all candidates
for representative in Congress.
- 884 (d)
- . (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment
of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of
impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement
filed at the time the affidavit is submitted.
- 889 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 890 (iii)
- . (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this
section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and
any other applicable criminal provision.

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

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

899 "Affidavit of Impecuniosity

900 Individual Name _____ Address _____

902 Phone Number _____

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

906 Date _____ Signature _____

Affiant

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

909 _____

910 (signature)

911 Name and Title of Officer Authorized to Administer Oath _____".

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

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

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

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

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

933 Section 11. Section **20A-9-203** is amended to read:

934 **20A-9-203. Declarations of candidacy -- Municipal general elections -- Nomination petition -- Removal of signature.**

928 (1) An individual may become a candidate for any municipal office if:

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- 929 (a) the individual is a registered voter; and
930 (b)
. (i) the individual has resided within the municipality in which the individual seeks to hold elective
office for the 12 consecutive months immediately before the date of the election; or
933 (ii) the territory in which the individual resides was annexed into the municipality, the individual has
resided within the annexed territory or the municipality the 12 consecutive months immediately
before the date of the election.
- 936 (2)
. (a) For purposes of determining whether an individual meets the residency requirement of Subsection
(1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the
municipality is considered to have been incorporated 12 months before the date of the election.
- 940 (b) In addition to the requirements of Subsection (1), each candidate for a municipal council position
shall, if elected from a district, be a resident of the council district from which the candidate is
elected.
- 943 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an
individual convicted of a felony, or an individual convicted of treason or a crime against the elective
franchise may not hold office in this state until the right to hold elective office is restored under
Section 20A-2-101.3 or 20A-2-101.5.
- 947 (3)
. (a) An individual seeking to become a candidate for a municipal office shall, regardless of the
nomination method by which the individual is seeking to become a candidate:
- 950 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate Voting
Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of
candidacy, in person with the city recorder or town clerk, during the office hours described in
Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7
of any odd-numbered year; and
- 955 (ii) pay the filing fee, if one is required by municipal ordinance.
- 956 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy
with the city recorder or town clerk if:
- 958 (i) the individual is located outside of the state during the entire filing period;
959 (ii) the designated agent appears in person before the city recorder or town clerk;

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- 960 (iii) the individual communicates with the city recorder or town clerk using an electronic device that
allows the individual and city recorder or town clerk to see and hear each other; and
- 963 (iv) the individual provides the city recorder or town clerk with an email address to which the city
recorder or town clerk may send the individual the copies described in Subsection (4).
- 966 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 967 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing a
nomination petition with the city recorder or town clerk during the office hours described in Section
10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-
numbered year that includes signatures in support of the nomination petition of the lesser of at least:
- 972 (A) 25 registered voters who reside in the municipality; or
- 973 (B) 20% of the registered voters who reside in the municipality; and
- 974 (ii) paying the filing fee, if one is required by municipal ordinance.
- 975 (4)
- . (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing
officer shall:
- 977 (i) read to the prospective candidate or individual filing the petition the constitutional and statutory
qualification requirements for the office that the candidate is seeking;
- 979 (ii) require the candidate or individual filing the petition to state whether the candidate meets the
requirements described in Subsection (4)(a)(i); and
- 981 (iii) inform the candidate or the individual filing the petition that an individual who holds a
municipal elected office may not, at the same time, hold a county elected office.
- 984 (b) If the prospective candidate does not meet the qualification requirements for the office, the filing
officer may not accept the declaration of candidacy or nomination petition.
- 987 (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer
shall:
- 989 (i) inform the candidate that, subject to Section 20A-6-109, the candidate's name will appear on the
ballot as it is written on the declaration of candidacy;
- 991 (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the
office the candidate is seeking and inform the candidate that failure to comply will result in
disqualification as a candidate and removal of the candidate's name from the ballot;
- 995

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- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- 998 (iv) inform the candidate that the candidate must provide the filing officer with an email address that the candidate actively monitors:
 - 1000 (A) to receive a communication from a filing officer or an election officer; and
 - 1001 (B) if the candidate wishes to display a candidate profile on the Statewide Electronic Voter Information Website, to submit to the website the biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 1005 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act;
- 1008 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 1009 (vii) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
 - 1011 (A) signing the pledge is voluntary; and
 - 1012 (B) signed pledges shall be filed with the filing officer; and
 - 1013 (viii) accept the declaration of candidacy or nomination petition.
- 1014 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
 - 1016 (i) accept the candidate's pledge; and
 - 1017 (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- 1020 (5)
 - . (a) The declaration of candidacy shall be in substantially the following form:
 - 1021 "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name

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from the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

- 1030 Subscribed and sworn to (or affirmed) before me by ____ on this _____(month\day\year).
1032 (Signed) _____ (Clerk or other officer qualified to administer oath)."
- 1033 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the
form described in Subsection (5)(a).
- 1035 (c)
- . (i) A nomination petition shall be in substantially the following form:
- 1036 "NOMINATION PETITION
- 1037 The undersigned residents of (name of municipality), being registered voters, nominate (name
of nominee) for the office of (name of office) for the (length of term of office)."
- 1039 (ii) The remainder of the petition shall contain lines and columns for the signatures of individuals
signing the petition and each individual's address and phone number.
- 1041 (6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the
two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.
- 1044 (7)
- . (a)
- . (i) The clerk shall verify with the county clerk that all candidates are registered voters.
- 1046 (b) With the assistance of the county clerk, and using the procedures described in Section 20A-1-1002,
the municipal clerk shall determine whether the required number of signatures of registered voters
appears on a nomination petition.
- 1049 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
- 1051 (a) publicize a list of the names of the candidates as they will appear on the ballot by publishing the list
for the municipality, as a class A notice under Section 63G-30-102, for seven days; and
- 1054 (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- 1056 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy
or nomination petition filed under this section after the candidate filing period ends.
- 1059 (10)
- . (a) A declaration of candidacy or nomination petition that an individual files under this section is valid
unless a person files a written objection with the clerk before 5 p.m. within 10 days after the last day
for filing.

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- 1062 (b) If a person files an objection, the clerk shall:
- 1063 (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- 1065 (ii) decide any objection within 48 hours after the objection is filed.
- 1066 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.
- 1070 (d)
- . (i) The clerk's decision upon objections to form is final.
- 1071 (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
- 1073 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- 1075 (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.
- 1077 (12)
- . (a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the city recorder or municipal clerk, submitting to the municipal clerk a statement requesting that the voter's signature be removed.
- 1081 (b) A statement described in Subsection (12)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- 1083 (c) With the assistance of the county clerk and using the procedures described in Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.
- 1095 Section 12. Section **20A-9-403** is amended to read:
- 1096 **20A-9-403. Regular primary elections.**
- 1089 (1)
- . (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing

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in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

- 1096 (b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.
- 1101 (c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).
- 1105 (d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.
- 1107 (2)
- . (a) Each registered political party, in a statement filed with the lieutenant governor, shall:
- 1109 (i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and
- 1113 (ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.
- 1118 (b)
- . (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.
- 1121 (ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.
- 1125 (3)

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- . (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a nomination petition that was:
 - 1130 (i) circulated and completed in accordance with Section 20A-9-405; and
 - 1131 (ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.
- 1133 (b)
 - . (i) A candidate for elective office shall submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.
 - 1136 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
- 1138 (c)
 - . (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.
 - 1144 (ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.
- 1146 (d) The filing officer shall:
 - 1147 (i) except as otherwise provided in Section 20A-21-201, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;
 - 1150 (ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);
 - 1153 (iii) consider active and inactive voters eligible to sign nomination petitions;
 - 1154 (iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and

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- 1158 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).
- 1163 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).
- 1167 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:
- 1170 (i) provide for the use of statistical sampling procedures that:
- 1171 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and
- 1173 (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and
- 1175 (ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.
- 1177 (g) The county clerk shall:
- 1178 (i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
- 1180 (ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and
- 1183 (iii) ~~[determine the order of]~~ place the local board of education candidates' names on the ballot in accordance with ~~[Section 20A-6-305]~~ Sections 20A-6-109 and 20A-6-110.
- 1186 (4)
- . (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the county clerks:
- 1188 (i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with ~~[Section 20A-6-305]~~ Sections 20A-6-109 and 20A-6-110; and

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- 1193 (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.
- 1196 (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.
- 1198 (c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4) (a), the county clerk shall post or publish a primary election notice in substantially the following form:
- 1201 "Notice is given that a primary election will be held Tuesday, June ____, ____ (year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."
- 1206 (5)
- . (a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:
- 1208 (i) nominated for that office by the candidate's registered political party; or
- 1209 (ii) for a nonpartisan local school board position, nominated for that office.
- 1210 (b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.
- 1214 (c)
- . (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 1215 (A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
- 1218 (B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.
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- (ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.
- 1225 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.
- 1229 (7) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.
- 1240 Section 13. Section **20A-9-409** is amended to read:
- 1241 **20A-9-409. Primary election provisions relating to qualified political party.**
- 1234 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.
- 1235 (2)
- . (a) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.
- 1239 (b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.
- 1243 (c) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.
- 1247 (d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.
- 1251 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election for a county commission office if:
- 1254 (a) there is more than one:
- 1255 (i) open position as defined in Section 17-52a-201; or

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- 1256 (ii) midterm vacancy as defined in Section 17-52a-201; and
- 1257 (b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.
- 1260 (4)
- . (a) As used in this Subsection (4), a candidate is "unopposed" if:
- 1261 (i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
- 1264 (ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.
- 1269 (b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:
- 1270 (i) provide to the county clerks:
- 1271 (A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with ~~[Section 20A-6-305]~~ Sections 20A-6-109 and 20A-6-110; and
- 1276 (B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and
- 1278 (ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.
- 1280 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the fourth Saturday in April.
- 1290 Section 14. Section **20A-12-201** is amended to read:
- 1291 **20A-12-201. Judicial appointees -- Retention elections.**
- 1284 (1)
- . (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.
- 1287 (b) After the first retention election:
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- (i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and
- 1290 (ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.
- 1292 (2)
- . (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:
 - 1294 (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
 - 1297 (ii) pay a filing fee of \$50.
- 1298 (b)
- . (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:
 - 1300 (A) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
 - 1304 (B) pay a filing fee of \$25 for each judicial office.
- 1305 (ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.
- 1308 (iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.
- 1311 (3)
- . (a) The lieutenant governor shall, no later than August 31 of each regular general election year:
 - 1313 (i) transmit a certified list containing the names of the justices of the Supreme Court, judges of the Court of Appeals, and judges of the Business and Chancery Court declaring their candidacy to the county clerk of each county; and
 - 1316 (ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

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- 1319 (b) Each county clerk shall place the names of justices and judges standing for retention election;
- 1321 (i) in the nonpartisan section of the ballot[-] ; and
- 1322 (ii) in accordance with Section 20A-6-109.
- 1323 (4)
- . (a) At the general election, the ballots shall contain:
- 1324 (i) at the beginning of the judicial retention section of the ballot, the following statement:
- 1325 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's
recommendations for each judge"; and
- 1327 (ii) as to each justice or judge of any court to be voted on in the county, the following question:
- 1328 "Shall _____(name of justice or judge) be retained in the office
of _____? (name of office, such as "Justice of the Supreme Court of
Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery Court of
Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of
the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of
municipality)")
- 1334 Yes ()
- 1335 No ()."
- 1336 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot
question for the judge shall include the name of that court.
- 1338 (5)
- . (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the
term of office provided by law.
- 1340 (b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not
retained, and a vacancy exists in the office on the first Monday in January after the regular general
election.
- 1343 (6) A justice or judge not retained is ineligible for appointment to the office for which the justice or
judge was defeated until after the expiration of that term of office.
- 1345 (7)
- . (a) If a justice court judge is standing for retention for one or more judicial offices in a county in which
the judge is a county justice court judge or a municipal justice court judge in a town or municipality
of the fourth or fifth class, as described in Section 10-2-301, or any combination thereof, the

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election officer shall place the judge's name on the county ballot only once for all judicial offices for which the judge seeks to be retained.

- 1351 (b) If a justice court judge is standing for retention for one or more judicial offices in a municipality of the first, second, or third class, as described in Section 10-2-301, the election officer shall place the judge's name only on the municipal ballot for the voters of the municipality that the judge serves.

1363 Section 15. **Effective date.**

This bill takes effect on May 7, 2025.

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