

Stephanie Pitcher proposes the following substitute bill:

Appearance of Candidate Name on Ballot

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Stephanie Gricius

2

3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ establishes criteria for permitting a candidate to:

9 • use the candidate's middle name instead of the candidate's first name on a ballot;

10 • use the candidate's nickname on a ballot; or

11 • use the candidate's initial on a ballot;

12 ▶ establishes a procedure for a candidate to request that the candidate's name appear on a
13 ballot as described in the preceding paragraph; and

14 ▶ provides for an appeal of a rejection of a request described in the preceding paragraph.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **17B-1-306**, 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

23 **20A-6-301**, as last amended by Laws of Utah 2021, Chapter 136

24 **20A-6-302**, 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

26 **20A-6-401.1**, as last amended by Laws of Utah 2020, Chapter 31

27 **20A-6-402**, as last amended by Laws of Utah 2024, Chapter 438

28 **20A-9-201**, as last amended by Laws of Utah 2024, Chapter 465

29 **20A-9-203**, as last amended by Laws of Utah 2024, Chapter 465

30 **20A-9-403**, 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
 32 **20A-12-201**, as last amended by Laws of Utah 2023, Chapter 394

33 ENACTS:

34 **20A-6-109**, 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,
 37 Chapter 49)



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

40 Section 1. Section **17B-1-306** is amended to read:

41 **17B-1-306 . Special district board -- Election procedures -- Notice.**

42 (1) Except as provided in Subsection (12), each elected board member shall be selected as
43 provided in this section.

44 (2)(a) Each election of a special district board member shall be held:

45 (i) at the same time as the municipal general election or the regular general election,
 46 as applicable; and

47 (ii) at polling places designated by the special district board in consultation with the
 48 county clerk for each county in which the special district is located, which polling
 49 places shall coincide with municipal general election or regular general election
 50 polling places, as applicable, whenever feasible.

51 (b) The special district board, in consultation with the county clerk, may consolidate two
 52 or more polling places to enable voters from more than one district to vote at one
 53 consolidated polling place.

54 (c)(i) Subject to Subsections (5)(h) and (i), the number of polling places under
 55 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall
 56 be one polling place per division of the district, designated by the district board.

57 (ii) Each polling place designated by an irrigation district board under Subsection
 58 (2)(c)(i) shall coincide with a polling place designated by the county clerk under
 59 Subsection (2)(a)(ii).

60 (3)(a) The clerk of each special district with a board member position to be filled at the
 61 next municipal general election or regular general election, as applicable, shall
 62 provide notice of:

63 (i) each elective position of the special district to be filled at the next municipal

- 64 general election or regular general election, as applicable;
- 65 (ii) the constitutional and statutory qualifications for each position; and
- 66 (iii) the dates and times for filing a declaration of candidacy.
- 67 (b) If the election is to be held at the same time as the municipal general election, a
- 68 declaration of candidacy shall be filed on the days specified in Subsection
- 69 20A-9-203(3)(a)(i).
- 70 (c) If the election is to be held at the same time as the regular general election, a
- 71 declaration of candidacy shall be filed by the deadline stated in Subsection
- 72 20A-9-201.5(2).
- 73 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a)
- 74 for the special district, as a class A notice under Section 63G-30-102, for at least 10 days
- 75 before the first day for filing a declaration of candidacy.
- 76 (5)(a) Except as provided in Subsection (5)(c), to become a candidate for an elective
- 77 special district board position, an individual shall file a declaration of candidacy in
- 78 person with an official designated by the special district within the candidate filing
- 79 period for the applicable election year in which the election for the special district
- 80 board is held and:
- 81 (i) during the special district's standard office hours, if the standard office hours
- 82 provide at least three consecutive office hours each day during the candidate filing
- 83 period that is not a holiday or weekend; or
- 84 (ii) if the standard office hours of a special district do not provide at least three
- 85 consecutive office hours each day, a three-hour consecutive time period each day
- 86 designated by the special district during the candidate filing period that is not a
- 87 holiday or weekend.
- 88 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing
- 89 time shall be extended until the close of normal office hours on the following regular
- 90 business day.
- 91 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
- 92 declaration of candidacy with the official designated by the special district if:
- 93 (i) the individual is located outside of the state during the entire filing period;
- 94 (ii) the designated agent appears in person before the official designated by the
- 95 special district; and
- 96 (iii) the individual communicates with the official designated by the special district
- 97 using an electronic device that allows the individual and official to see and hear

98 each other.

99 (d)(i) Before the filing officer may accept any declaration of candidacy from an
100 individual, the filing officer shall:

101 (A) read to the individual the constitutional and statutory qualification
102 requirements for the office that the individual is seeking; and

103 (B) require the individual to state whether the individual meets those requirements.

104 (ii) If the individual does not meet the qualification requirements for the office, the
105 filing officer may not accept the individual's declaration of candidacy.

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

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

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

117 (Signed) _____

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

120 (Signed) _____

121 (Clerk or Notary Public)".

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

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

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

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

- 132 (i) consider the candidate to be elected to the position; and
 133 (ii) cancel the election.
- 134 (6)(a) A primary election may be held if:
 135 (i) the election is authorized by the special district board; and
 136 (ii) the number of candidates for a particular local board position or office exceeds
 137 twice the number of persons needed to fill that position or office.
- 138 (b) The primary election shall be conducted:
 139 (i) on the same date as the municipal primary election or the regular primary election,
 140 as applicable; and
 141 (ii) according to the procedures for primary elections provided under Title 20A,
 142 Election Code.
- 143 (7)(a) Except as provided in Subsection (7)(c), within one business day after the
 144 deadline for filing a declaration of candidacy, the special district clerk shall certify
 145 the candidate names to the clerk of each county in which the special district is located.
- 146 (b)(i) Except as provided in Subsection (7)(c) and in accordance with ~~[Section~~
 147 ~~20A-6-305]~~ Sections 20A-6-109 and 20A-6-110, the clerk of each county in which
 148 the special district is located and the special district clerk shall coordinate ~~[the]~~
 149 placement of the name of each candidate for special district office in the
 150 nonpartisan section of the ballot with the appropriate election officer.
- 151 (ii) If consolidation of the special district election ballot with the municipal general
 152 election ballot or the regular general election ballot, as applicable, is not feasible,
 153 the special district board of trustees, in consultation with the county clerk, shall
 154 provide for a separate special district election ballot to be administered by poll
 155 workers at polling places designated under Subsection (2).
- 156 (c)(i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
 157 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
 158 ~~[(ii)(A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district~~
 159 ~~shall prescribe the form of the ballot for each board member election.]~~
 160 ~~[(B) Each ballot for an election of an irrigation district board member shall be in a~~
 161 ~~nonpartisan format.]~~
 162 ~~[(C) The name of each candidate shall be placed on the ballot in the order~~
 163 ~~specified under Section 20A-6-305.]~~
- 164 (ii) The board of an irrigation district shall:
 165 (A) subject to Subsections (7)(c)(ii)(B) and (C), establish the form of the ballot for

- 166 a board member election;
167 (B) ensure that the ballot is in a nonpartisan format; and
168 (C) ensure that the name of each candidate is placed on the ballot in accordance
169 with Sections 20A-6-109 and 20A-6-110.
- 170 (8)(a) Each voter at an election for a board of trustees member of a special district shall:
171 (i) be a registered voter within the district, except for an election of:
172 (A) an irrigation district board of trustees member; or
173 (B) a basic special district board of trustees member who is elected by property
174 owners; and
175 (ii) meet the requirements to vote established by the district.
- 176 (b) Each voter may vote for as many candidates as there are offices to be filled.
177 (c) The candidates who receive the highest number of votes are elected.
- 178 (9) Except as otherwise provided by this section, the election of special district board
179 members is governed by Title 20A, Election Code.
- 180 (10)(a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
181 special district board shall serve a four-year term, beginning at noon on the January 1
182 after the person's election.
183 (b) A person elected shall be sworn in as soon as practical after January 1.
- 184 (11)(a) Except as provided in Subsection (11)(b), each special district shall reimburse
185 the county or municipality holding an election under this section for the costs of the
186 election attributable to that special district.
187 (b) Each irrigation district shall bear the district's own costs of each election the district
188 holds under this section.
- 189 (12) This section does not apply to an improvement district that provides electric or gas
190 service.
- 191 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
192 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 193 (14)(a) As used in this Subsection (14), "board" means:
194 (i) a special district board; or
195 (ii) the administrative control board of a special service district that has elected
196 members on the board.
197 (b) If a board desires to hold elections for membership on the board at a regular general
198 election instead of a municipal general election , or at a municipal general election
199 instead of a regular general election, the board may submit an application to the

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

- 234 (d)(i) The special district board shall provide to property owners eligible to vote at
 235 the special district election:
- 236 (A) notice of the election; and
 237 (B) a form to nominate an eligible individual to be elected as a board member.
- 238 (ii)(A) The special district board may establish a deadline for a property owner to
 239 submit a nomination form.
 240 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
 241 after the board provides the notice and nomination form under Subsection
 242 (15)(d)(i).
- 243 (iii)(A) After the deadline for submitting nomination forms, the special district
 244 board shall provide a ballot to all property owners eligible to vote at the special
 245 district election.
 246 (B) A special district board shall allow at least five days for ballots to be returned.
- 247 (iv) A special district board shall certify the results of an election under this
 248 Subsection (15) during an open meeting of the board.

249 Section 2. Section **20A-6-109** is enacted to read:

250 **20A-6-109 . Appearance of candidate's name on ballot -- Name variations --**

251 **Appeal.**

- 252 (1) Except as otherwise provided in this section, an election officer shall ensure that a
 253 candidate's name appears on the ballot with the candidate's legal first name, followed by
 254 the candidate's legal surname.
- 255 (2) An election officer shall place on the ballot a candidate's legal middle name, or a
 256 common derivative of the candidate's legal middle name, in place of the candidate's legal
 257 first name, if:
- 258 (a) the candidate normally uses the candidate's legal middle name, or the common
 259 derivative, instead of the candidate's legal first name; and
- 260 (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy
 261 period ends, the candidate files with the election officer:
- 262 (i) a request that the election officer place on the ballot the candidate's legal middle
 263 name, or a common derivative of the candidate's legal middle name, instead of the
 264 candidate's legal first name, specifying the candidate's legal middle name, or the
 265 common derivative of the candidate's legal middle name;
- 266 (ii) an affidavit signed by the candidate in which the candidate states, under penalty
 267 of perjury, that the candidate is generally known by acquaintances in the

268 candidate's county of residence by the legal middle name, or the common
269 derivative of the legal middle name, specified in the request described in
270 Subsection (2)(b)(i), and stated in the affidavit, instead of the candidate's legal
271 first name; and

272 (iii) an affidavit signed by five residents of the candidate's county of residence who
273 are not immediate family members of the candidate stating, under penalty of
274 perjury, that the candidate is generally known by acquaintances in the candidate's
275 county of residence by the legal middle name, or the common derivative of the
276 legal middle name, specified in the request described in Subsection (2)(b)(i), and
277 stated in the affidavit, instead of the candidate's legal first name.

278 (3) Subject to Subsection (4), an election officer shall place a candidate's nickname on a
279 ballot, if:

280 (a) the election officer determines that the nickname:

281 (i) does not imply that the candidate is an individual other than the candidate,
282 regardless of whether the individual is living or deceased;

283 (ii) does not constitute a slogan;

284 (iii) does not associate the candidate with an economic, religious, political, or other
285 group, issue, or opinion;

286 (iv) is not offensive, profane, or spurious; and

287 (v) is not a title, rank, degree, certification, job description, or similar designation; and

288 (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy
289 period ends, the candidate files with the election officer:

290 (i) a request that the election officer place the candidate's nickname on the ballot,
291 specifying the desired nickname and, in accordance with Subsection (4), the
292 desired placement of the nickname;

293 (ii) an affidavit signed by the candidate in which the candidate states, under penalty
294 of perjury, that the candidate:

295 (A) is generally known by acquaintances in the candidate's county of residence by
296 the nickname specified in the request described in Subsection (3)(b)(i) and
297 stated in the affidavit; and

298 (B) is not using the nickname to gain an advantage on the ballot; and

299 (iii) an affidavit signed by five residents of the candidate's county of residence who
300 are not immediate family members of the candidate stating, under penalty of
301 perjury, that the candidate is generally known by acquaintances in the candidate's

- 302 county of residence by the nickname specified in the request described in
303 Subsection (3)(b)(i) and stated in the affidavit.
- 304 (4) If, under Subsection (3), an election officer places a candidate's nickname on the ballot,
305 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,
308 if the candidate's legal middle name appears on the ballot under Subsection (2) or (7);
309 or
- 310 (c) to place the nickname on the ballot in place of the candidate's legal first name.
- 311 (5) An election officer may, without requiring compliance with Subsection (3), approve a
312 written request filed with the election officer no later than 5 p.m. on the day on which
313 the applicable declaration of candidacy period ends, to:
- 314 (a) place on the ballot a nickname instead of a legal first name, if the nickname is a
315 common derivative of the legal first name;
- 316 (b) place on the ballot the first initial of a legal middle name between a legal first name,
317 or a common derivative of the legal first name, and a legal last name; or
- 318 (c) place on the ballot the first initial of a legal first name before a legal middle name, or
319 a common derivative of the legal middle name, if the candidate's legal middle name,
320 or a common derivative of the legal middle name, appears on the ballot under
321 Subsection (2) or (7).
- 322 (6)(a) An election officer shall approve or reject a request filed under Subsection (2)(b),
323 (3)(b), or (5) within five business days after the day on which the election officer
324 receives the request.
- 325 (b) Failure by an election officer to timely comply with Subsection (6)(a) is considered a
326 rejection of the request.
- 327 (c) If an election officer rejects a request described in Subsection (6)(a) or fails to timely
328 comply with Subsection (6)(a), the candidate may, within five days after the day of
329 the rejection or, if the election officer fails to timely comply with Subsection (6)(a),
330 within five days after the day of the deadline described in Subsection (6)(a), appeal
331 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
333 election officer may do one of the following, to the extent the election officer determines
334 necessary, to differentiate between the candidates:
- 335 (a) for one or more of the candidates, include the candidate's legal middle name, in

336 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
 338 similar names.

339 (8) Regardless of whether an election officer approves placement of a candidate's name on
 340 the ballot in a manner other than the candidate's legal first name followed by the
 341 candidate's legal last name, the candidate's legal name will be used to determine the
 342 order of placement on the ballot under Section 20A-6-110.

343 Section 3. Section **20A-6-110**, which is renumbered from Section 20A-6-305 is renumbered
 344 and amended to read:

345 **~~[20A-6-305]~~ 20A-6-110 . Master ballot position list -- Random selection --**

346 **Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

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

350 (2) The lieutenant governor shall:

351 (a) within 30 days after the candidate filing deadline in each even-numbered year,
 352 conduct a random selection to create a master ballot position list for all elections in
 353 accordance with procedures established under Subsection (2)(c);

354 (b) publish the master ballot position list on the lieutenant governor's election website no
 355 later than 15 days after creating the list; and

356 (c) establish written procedures for:

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

358 (ii) the lieutenant governor in:

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

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

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

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

366 (a) the candidate's surname;

367 (b) for candidates with a surname that has the same spelling[, the candidate's given
 368 name; and] :

369 (i) the candidate's legal first name; or

- 370 (ii) if the candidates also have a legal first name that has the same spelling, the
371 candidate's legal middle name; and
- 372 (c) the surname of the president and the surname of the governor for an election for the
373 offices of president and vice president and governor and lieutenant governor.
- 374 (5) Subsections (1) through (4) do not apply to:
- 375 (a) an election for an office for which only one candidate is listed on the ballot; or
376 (b) a judicial retention election under Section 20A-12-201.
- 377 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
378 appear separately, in the following order:
- 379 (a) for federal office:
- 380 (i) president and vice president of the United States;
381 (ii) United States Senate office; and
382 (iii) United States House of Representatives office;
- 383 (b) for state office:
- 384 (i) governor and lieutenant governor;
385 (ii) attorney general;
386 (iii) state auditor;
387 (iv) state treasurer;
388 (v) state Senate office;
389 (vi) state House of Representatives office; and
390 (vii) State Board of Education member;
- 391 (c) for county office:
- 392 (i) county executive office;
393 (ii) county legislative body member;
394 (iii) county assessor;
395 (iv) county or district attorney;
396 (v) county auditor;
397 (vi) county clerk;
398 (vii) county recorder;
399 (viii) county sheriff;
400 (ix) county surveyor;
401 (x) county treasurer; and
402 (xi) local school board member;
- 403 (d) for municipal office:

- 404 (i) mayor; and
- 405 (ii) city or town council member;
- 406 (e) elected planning and service district council member;
- 407 (f) judicial retention questions; and
- 408 (g) ballot propositions not described in Subsection (6)(f).
- 409 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of
- 410 the earliest ballot ticket position that is reserved for an office that is subsumed in the
- 411 combined office.
- 412 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
- 413 (i) each candidate in accordance with Subsections (1) through (4); and
- 414 (ii) except as otherwise provided in this title, the party name, initials, or title
- 415 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.**
- 418 (1) The lieutenant governor, together with county clerks, suppliers of election materials,
- 419 and representatives of registered political parties, shall:
- 420 (a) develop ballots to be used in Utah's regular primary election;
- 421 (b) ensure that the ballots comply[~~generally~~], where applicable, with the requirements
- 422 of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, Section
- 423 20A-6-109, Section 20A-6-110, and this section; and
- 424 (c) provide voting booths, election records and supplies, ballot boxes, and as applicable,
- 425 voting devices, for each voting precinct as required by Section 20A-5-403.
- 426 (2)(a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
- 427 Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403,
- 428 20A-6-401, and 20A-6-401.1, the lieutenant governor, together with county clerks,
- 429 suppliers of election materials, and representatives of registered political parties shall
- 430 ensure that the ballots, voting booths, election records and supplies, and ballot boxes:
- 431 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
- 432 voters are authorized to vote for a party's candidate;
- 433 (ii) simplify the task of poll workers, particularly in determining a voter's party
- 434 affiliation;
- 435 (iii) minimize the possibility of spoiled ballots due to voter confusion; and
- 436 (iv) protect against fraud.
- 437 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,

438 county clerks, suppliers of election materials, and representatives of registered
439 political parties shall:

- 440 (i) mark ballots as being for a particular registered political party; and
441 (ii) instruct individuals counting the ballots to count only those votes for candidates
442 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.**

- 445 (1) Each election officer shall ensure that:
- 446 (a) all manual ballots furnished for use at the regular general election contain:
- 447 (i) no captions or other endorsements except as provided in this section;
448 (ii) no symbols, markings, or other descriptions of a political party or group, except
449 for a registered political party that has chosen to nominate its candidates in
450 accordance with Section 20A-9-403; and
451 (iii) no indication that a candidate for elective office has been nominated by, or has
452 been endorsed by, or is in any way affiliated with a political party or group, unless
453 the candidate has been nominated by a registered political party in accordance
454 with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);
- 455 (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:
- 456 (i) "Official Ballot for ____ County, Utah";
457 (ii) the date of the election; and
458 (iii) the words "certified by the Clerk of _____ County" or, as applicable, the
459 name of a combined office that includes the duties of a county clerk;
- 460 (c) unaffiliated candidates, candidates not affiliated with a registered political party, and
461 all other candidates for elective office who were not nominated by a registered
462 political party in accordance with Subsection 20A-9-202(4) or Subsection
463 20A-9-403(5), are listed with the other candidates for the same office in accordance
464 with [~~Section 20A-6-305~~] Sections 20A-6-109 and 20A-6-110, without a party name
465 or title;
- 466 (d) each ticket containing the lists of candidates, including the party name and device,
467 are separated by heavy parallel lines;
- 468 (e) the offices to be filled are plainly printed immediately above the names of the
469 candidates for those offices;
- 470 (f) the names of candidates are printed in capital letters, not less than one-eighth nor
471 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,

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

506 candidates for which the voter may vote)," according to the number to be elected.

507 (4) Each election officer shall ensure that:

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

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

512 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
513 title assigned to each bond proposition under Section 11-14-206; and

514 (d) the judicial retention section of the ballot includes a statement at the beginning
515 directing voters to the Judicial Performance Evaluation Commission's website in
516 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.**

519 (1) An election officer shall ensure, for manual ballots in regular general elections, that:

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

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

524 (c) the names of candidates are placed on the ballot in:

525 (i) the manner described in Section 20A-6-109; and

526 (ii) the order [~~specified under Section 20A-6-305~~] described in Section 20A-6-110.

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

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

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

538 (d) When the name of only one candidate for county attorney is printed on the ballot
539 under authority of this Subsection (2), the county clerk may not count any write-in

- 540 votes received for the office of county attorney.
- 541 (e) If no qualified individual files for the office of county attorney or if the candidate is
542 not elected by the voters, the county legislative body shall appoint the county
543 attorney as provided in Section 20A-1-509.2.
- 544 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
545 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a)
546 to the two consecutive terms immediately preceding the term for which the candidate
547 is seeking election, Subsection (2)(a) does not apply and that candidate shall be
548 considered to be an unopposed candidate the same as any other unopposed candidate
549 for another office, unless a petition is filed with the county clerk before 5 p.m. no
550 later than one day before that year's primary election that:
- 551 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
552 (ii) contains the signatures of registered voters in the county representing in number
553 at least 25% of all votes cast in the county for all candidates for governor at the
554 last election at which a governor was elected.
- 555 (3)(a) When there is only one candidate for district attorney at the regular general
556 election in a prosecution district that has three or fewer registered voters of the
557 district who are licensed active members in good standing of the Utah State Bar, the
558 county clerk shall cause that candidate's name and party affiliation, if any, to be
559 placed on a separate section of the ballot with the following question: "Shall (name of
560 candidate) be elected to the office of district attorney? Yes ____ No ____."
- 561 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
562 elected to the office of district attorney.
- 563 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
564 elected and may not take office, nor may the candidate continue in the office past the
565 end of the term resulting from any prior election or appointment.
- 566 (d) When the name of only one candidate for district attorney is printed on the ballot
567 under authority of this Subsection (3), the county clerk may not count any write-in
568 votes received for the office of district attorney.
- 569 (e) If no qualified individual files for the office of district attorney, or if the only
570 candidate is not elected by the voters under this subsection, the county legislative
571 body shall appoint a new district attorney for a four-year term as provided in Section
572 20A-1-509.2.
- 573 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on

574 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a)
 575 to the two consecutive terms immediately preceding the term for which the candidate
 576 is seeking election, Subsection (3)(a) does not apply and that candidate shall be
 577 considered to be an unopposed candidate the same as any other unopposed candidate
 578 for another office, unless a petition is filed with the county clerk before 5 p.m. no
 579 later than one day before that year's primary election that:

- 580 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 581 (ii) contains the signatures of registered voters in the county representing in number
 582 at least 25% of all votes cast in the county for all candidates for governor at the
 583 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.**

- 586 (1) Each election officer shall ensure that:
 - 587 (a) the following endorsements are printed in 18 point bold type:
 - 588 (i) "Official Primary Ballot for ____ (City or Town), Utah";
 - 589 (ii) the date of the election; and
 - 590 (iii) a facsimile of the signature of the election officer and the election officer's title in
 591 eight point type;
 - 592 (b) immediately below the election officer's title, two one-point parallel horizontal rules
 593 separate endorsements from the rest of the ballot;
 - 594 (c) immediately below the horizontal rules, an "Instructions to Voters" section is printed
 595 in 10 point bold type that states: "To vote for a candidate, mark the space adjacent to
 596 the name(s) of the person(s) you favor as the candidate(s) for each respective office."
 597 followed by two one-point parallel rules;
 - 598 (d) after the rules, the designation of the office for which the candidates seek nomination
 599 is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
 600 candidates for which the voter may vote)" are printed in 10-point bold type, followed
 601 by a hair-line rule;
 - 602 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
 603 between lines or rules three-eighths inch apart, in [~~the order specified under Section~~
 604 20A-6-305] accordance with Sections 20A-6-109 and 20A-6-110, with surnames last
 605 and grouped according to the office that [~~they~~] the candidates seek;
 - 606 (f) a square with sides not less than one-fourth inch long is printed immediately adjacent
 607 to the names of the candidates; and

- 608 (g) the candidate groups are separated from each other by one light and one heavy line
609 or rule.
- 610 (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.**
- 613 (1) An election officer shall ensure that:
- 614 (a) all manual ballots furnished for use at the regular primary election:
- 615 (i) separate the candidates of one political party from those of the other political
616 parties; and
- 617 (ii) contain no captions or other endorsements except as provided in this section;
- 618 (b) the names of all candidates from each party are listed on the same ballot in one or
619 more columns under their party name and emblem;
- 620 (c) the political parties are printed on the ballot in the order specified under Section [
621 ~~20A-6-305~~] 20A-6-110;
- 622 (d) the following endorsements are printed in 18-point bold type:
- 623 (i) "Official Primary Ballot for ____ (name of municipality), Utah";
- 624 (ii) the date of the election; and
- 625 (iii) a facsimile of the signature of the election officer and the election officer's title in
626 eight point type;
- 627 (e) after the facsimile signature, the political party emblem and the name of the political
628 party are printed;
- 629 (f) after the party name and emblem, the ballot contains the following printed in not
630 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote
631 for a candidate, mark the space following the name of the person for whom you wish
632 to vote and in no other place. Do not vote for any candidate listed under more than
633 one party or group designation.", followed by two one-point parallel horizontal rules;
- 634 (g) after the rules, the designation of the office for which the candidates seek nomination
635 is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for
636 up to ____ (the number of candidates for which the voter may vote)" are printed to
637 extend to the extreme right of the column in 10-point bold type, followed by a
638 hair-line rule;
- 639 (h) after the hair-line rule, the names of the candidates are printed in heavy face type
640 between lines or rules three-eighths inch apart, in [~~the order specified under Section~~
641 ~~20A-6-305~~] accordance with Sections 20A-6-109 and 20A-6-110, with surnames last

- 642 and grouped according to the office that they seek;
- 643 (i) a square with sides not less than one-fourth inch long is printed immediately adjacent
644 to the names of the candidates;
- 645 (j) the candidate groups are separated from each other by one light and one heavy line or
646 rule; and
- 647 (k) the nonpartisan candidates are listed as follows:
- 648 (i) immediately below the listing of the party candidates, the word
649 "NONPARTISAN" is printed in reverse type in an 18 point solid rule that extends
650 the full width of the type copy of the party listing above; and
- 651 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
652 candidate's name, the voting square, and any other necessary information is
653 printed in the same style and manner as for party candidates.

- 654 (2) For mechanical ballots, the election officer may require that:
- 655 (a) the ballot for a regular primary election consist of several groups of pages or display
656 screens, so that a separate group can be used to list the names of candidates seeking
657 nomination of each qualified political party, with additional groups used to list
658 candidates for other nonpartisan offices;
- 659 (b) the separate groups of pages or display screens are identified by color or other
660 suitable means; and
- 661 (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.**

- 664 (1) Except as otherwise required for a race conducted by instant runoff voting under Title
665 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual
666 ballot at a municipal general election, an election officer shall ensure that:
- 667 (a) the names of the two candidates who received the highest number of votes for mayor
668 in the municipal primary are placed upon the ballot;
- 669 (b) if no municipal primary election was held, the names of the candidates who filed
670 declarations of candidacy for municipal offices are placed upon the ballot;
- 671 (c) for other offices:
- 672 (i) twice the number of candidates as there are positions to be filled are certified as
673 eligible for election in the municipal general election from those candidates who
674 received the greater number of votes in the primary election; and
- 675 (ii) the names of those candidates are placed upon the municipal general election

- 676 ballot;
- 677 (d) the names of the candidates are placed on the ballot in [~~the order specified under~~
678 ~~Section 20A-6-305~~] accordance with Sections 20A-6-109 and 20A-6-110;
- 679 (e) in an election in which a voter is authorized to cast a write-in vote and where a
680 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed
681 upon the ballot that contains, for each office in which there is a qualified write-in
682 candidate:
- 683 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
684 (ii) a square or other conforming area that is adjacent to or opposite the blank
685 horizontal line to enable the voter to indicate the voter's vote;
- 686 (f) ballot propositions that have qualified for the ballot, including propositions submitted
687 to the voters by the municipality, municipal initiatives, and municipal referenda, are
688 listed on the ballot in accordance with Section 20A-6-107; and
- 689 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
690 title assigned to each bond proposition under Section 11-14-206.
- 691 (2) Except as otherwise required for a race conducted by instant runoff voting under Title
692 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a
693 mechanical ballot at municipal general elections, each election officer shall ensure that:
- 694 (a) the following endorsements are displayed on the first portion of the ballot:
- 695 (i) "Official Ballot for ____ (City or Town), Utah";
696 (ii) the date of the election; and
697 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 698 (b) immediately below the election officer's title, a distinct border or line separates the
699 endorsements from the rest of the ballot;
- 700 (c) immediately below the border or line, an "Instructions to Voters" section is displayed
701 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
702 the candidate(s) for each respective office." followed by another border or line;
- 703 (d) after the border or line, the designation of the office for which the candidates seek
704 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the
705 number of candidates for which the voter may vote)" are displayed, followed by a
706 line or border;
- 707 (e) after the line or border, the names of the candidates are displayed in [~~the order~~
708 ~~specified under Section 20A-6-305~~] accordance with Sections 20A-6-109 and
709 20A-6-110, with surnames last and grouped according to the office that [~~they~~] the

- 710 candidates seek;
- 711 (f) a voting square or position is located adjacent to the name of each candidate;
- 712 (g) following the name of the last candidate for each office in which a write-in candidate
- 713 is qualified under Section 20A-9-601, the ballot contains a write-in space where the
- 714 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 715 (h) the candidate groups are separated from each other by a line or border.
- 716 (3) When a municipality has chosen to nominate candidates by convention or committee,
- 717 the election officer shall ensure that the party name is included with the candidate's
- 718 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**

721 **of more than one political party prohibited with exceptions -- General filing and form**

722 **requirements -- Affidavit of impecuniosity.**

- 723 (1) Before filing a declaration of candidacy for election to any office, an individual shall:
- 724 (a) be a United States citizen;
- 725 (b) meet the legal requirements of that office; and
- 726 (c) if seeking a registered political party's nomination as a candidate for elective office,
- 727 state:
- 728 (i) the registered political party of which the individual is a member; or
- 729 (ii) that the individual is not a member of a registered political party.
- 730 (2)(a) Except as provided in Subsection (2)(b), an individual may not:
- 731 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
- 732 Utah during any election year;
- 733 (ii) appear on the ballot as the candidate of more than one political party; or
- 734 (iii) file a declaration of candidacy for a registered political party of which the
- 735 individual is not a member, except to the extent that the registered political party
- 736 permits otherwise in the registered political party's bylaws.
- 737 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,
- 738 president or vice president of the United States and another office, if the
- 739 individual resigns the individual's candidacy for the other office after the
- 740 individual is officially nominated for president or vice president of the United
- 741 States.
- 742 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
- 743 than one justice court judge office.

744 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
745 the individual filed a declaration of candidacy for another office in the same
746 election year if the individual withdraws as a candidate for the other office in
747 accordance with Subsection 20A-9-202(6) before filing the declaration of
748 candidacy for lieutenant governor.

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

- 751 (i) read to the individual the constitutional and statutory qualification requirements
752 for the office that the individual is seeking;
- 753 (ii) require the individual to state whether the individual meets the requirements
754 described in Subsection (3)(a)(i);
- 755 (iii) if the declaration of candidacy is for a county office, inform the individual that
756 an individual who holds a county elected office may not, at the same time, hold a
757 municipal elected office; and
- 758 (iv) if the declaration of candidacy is for a legislative office, inform the individual
759 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
760 public office of profit or trust, under authority of the United States or Utah, from
761 being a member of the Legislature.

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

- 764 (i) a United States citizen;
- 765 (ii) an attorney licensed to practice law in the state who is an active member in good
766 standing of the Utah State Bar;
- 767 (iii) a registered voter in the county in which the individual is seeking office; and
- 768 (iv) a current resident of the county in which the individual is seeking office and
769 either has been a resident of that county for at least one year before the date of the
770 election or was appointed and is currently serving as county attorney and became
771 a resident of the county within 30 days after appointment to the office.

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

- 775 (i) a United States citizen;
- 776 (ii) an attorney licensed to practice law in the state who is an active member in good
777 standing of the Utah State Bar;

- 778 (iii) a registered voter in the prosecution district in which the individual is seeking
779 office; and
- 780 (iv) a current resident of the prosecution district in which the individual is seeking
781 office and either will have been a resident of that prosecution district for at least
782 one year before the date of the election or was appointed and is currently serving
783 as district attorney and became a resident of the prosecution district within 30
784 days after receiving appointment to the office.
- 785 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
786 county clerk shall ensure that the individual filing the declaration:
- 787 (i) is a United States citizen;
- 788 (ii) is a registered voter in the county in which the individual seeks office;
- 789 (iii)(A) has successfully met the standards and training requirements established
790 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
791 Training and Certification Act; or
- 792 (B) has met the waiver requirements in Section 53-6-206;
- 793 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
794 53-13-103; and
- 795 (v) before the date of the election, will have been a resident of the county in which
796 the individual seeks office for at least one year.
- 797 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
798 governor, state auditor, state treasurer, attorney general, state legislator, or State
799 Board of Education member, the filing officer shall ensure that the individual filing
800 the declaration of candidacy also makes the conflict of interest disclosure described
801 in Section 20A-11-1603.
- 802 (4) If an individual who files a declaration of candidacy does not meet the qualification
803 requirements for the office the individual is seeking, the filing officer may not accept the
804 individual's declaration of candidacy.
- 805 (5) If an individual who files a declaration of candidacy meets the requirements described
806 in Subsection (3), the filing officer shall:
- 807 (a) inform the individual that:
- 808 (i) subject to Section 20A-6-109, the individual's name will appear on the ballot as
809 the individual's name is written on the individual's declaration of candidacy;
- 810 (ii) the individual may be required to comply with state or local campaign finance
811 disclosure laws; and

- 812 (iii) the individual is required to file a financial statement before the individual's
813 political convention under:
- 814 (A) Section 20A-11-204 for a candidate for constitutional office;
815 (B) Section 20A-11-303 for a candidate for the Legislature; or
816 (C) local campaign finance disclosure laws, if applicable;
- 817 (b) except for a presidential candidate, provide the individual with a copy of the current
818 campaign financial disclosure laws for the office the individual is seeking and inform
819 the individual that failure to comply will result in disqualification as a candidate and
820 removal of the individual's name from the ballot;
- 821 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the
822 Statewide Electronic Voter Information Website Program and inform the
823 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 824 (ii) inform the individual that the individual must provide the filing officer with an
825 email address that the individual actively monitors:
- 826 (A) to receive a communication from a filing officer or an election officer; and
827 (B) if the individual wishes to display a candidate profile on the Statewide
828 Electronic Voter Information Website, to submit to the website the
829 biographical and other information described in Subsection 20A-7-801
830 (4)(a)(ii);
- 831 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
832 not a record under Title 63G, Chapter 2, Government Records Access and
833 Management Act; and
- 834 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 835 (d) provide the candidate with a copy of the pledge of fair campaign practices described
836 under Section 20A-9-206 and inform the candidate that:
- 837 (i) signing the pledge is voluntary; and
838 (ii) signed pledges shall be filed with the filing officer;
- 839 (e) accept the individual's declaration of candidacy; and
840 (f) if the individual has filed for a partisan office, provide a certified copy of the
841 declaration of candidacy to the chair of the county or state political party of which the
842 individual is a member.
- 843 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
844 shall:
- 845 (a) accept the candidate's pledge; and

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

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

851 (i) be substantially as follows:

852 "State of Utah, County of ____

853 I, _____, declare my candidacy for the office of _____, seeking the
854 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet
855 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at
856 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
857 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
858 I will be out of the state of Utah during the entire candidate filing period; I will file all
859 campaign financial disclosure reports as required by law; and I understand that failure to do so
860 will result in my disqualification as a candidate for this office and removal of my name from
861 the ballot. The mailing address that I designate for receiving official election notices is
862 _____.

863 _____

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

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

866 (ii) require the candidate to state, in the sworn statement described in Subsection

867 (7)(a)(i):

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

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

870 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
871 candidacy may not sign the form described in Subsection (7)(a) or Section
872 20A-9-408.5.

873 (8)(a) Except for a candidate for president or vice president of the United States, the fee
874 for filing a declaration of candidacy is:

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

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

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

- 880 (i) who is disqualified; or
- 881 (ii) who the filing officer determines has filed improperly.
- 882 (c)(i) The county clerk shall immediately pay to the county treasurer all fees received
- 883 from candidates.
- 884 (ii) The lieutenant governor shall:
 - 885 (A) apportion to and pay to the county treasurers of the various counties all fees
 - 886 received for filing of nomination certificates or acceptances; and
 - 887 (B) ensure that each county receives that proportion of the total amount paid to the
 - 888 lieutenant governor from the congressional district that the total vote of that
 - 889 county for all candidates for representative in Congress bears to the total vote
 - 890 of all counties within the congressional district for all candidates for
 - 891 representative in Congress.

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

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

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

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

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

907 "Affidavit of Impecuniosity

908 Individual Name

909 _____ Address _____

910 Phone Number _____

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

914 Date _____

915 Signature _____ Affiant

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

917 _____

918 (signature)

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

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

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

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

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

931 (10) A declaration of candidacy filed under this section may not be amended or modified
932 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 --**

935 **Nomination petition -- Removal of signature.**

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

937 (a) the individual is a registered voter; and

938 (b)(i) the individual has resided within the municipality in which the individual seeks
939 to hold elective office for the 12 consecutive months immediately before the date
940 of the election; or

941 (ii) the territory in which the individual resides was annexed into the municipality,
942 the individual has resided within the annexed territory or the municipality the 12
943 consecutive months immediately before the date of the election.

944 (2)(a) For purposes of determining whether an individual meets the residency
945 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than
946 12 months before the election, the municipality is considered to have been
947 incorporated 12 months before the date of the election.

- 948 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
949 council position shall, if elected from a district, be a resident of the council district
950 from which the candidate is elected.
- 951 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
952 individual, an individual convicted of a felony, or an individual convicted of treason
953 or a crime against the elective franchise may not hold office in this state until the
954 right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
- 955 (3)(a) An individual seeking to become a candidate for a municipal office shall,
956 regardless of the nomination method by which the individual is seeking to become a
957 candidate:
- 958 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
959 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
960 declaration of candidacy, in person with the city recorder or town clerk, during the
961 office hours described in Section 10-3-301 and not later than the close of those
962 office hours, between June 1 and June 7 of any odd-numbered year; and
- 963 (ii) pay the filing fee, if one is required by municipal ordinance.
- 964 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
965 declaration of candidacy with the city recorder or town clerk if:
- 966 (i) the individual is located outside of the state during the entire filing period;
967 (ii) the designated agent appears in person before the city recorder or town clerk;
968 (iii) the individual communicates with the city recorder or town clerk using an
969 electronic device that allows the individual and city recorder or town clerk to see
970 and hear each other; and
- 971 (iv) the individual provides the city recorder or town clerk with an email address to
972 which the city recorder or town clerk may send the individual the copies described
973 in Subsection (4).
- 974 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 975 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
976 Project, filing a nomination petition with the city recorder or town clerk during the
977 office hours described in Section 10-3-301 and not later than the close of those
978 office hours, between June 1 and June 7 of any odd-numbered year that includes
979 signatures in support of the nomination petition of the lesser of at least:
- 980 (A) 25 registered voters who reside in the municipality; or
981 (B) 20% of the registered voters who reside in the municipality; and

- 982 (ii) paying the filing fee, if one is required by municipal ordinance.
- 983 (4)(a) Before the filing officer may accept any declaration of candidacy or nomination
984 petition, the filing officer shall:
- 985 (i) read to the prospective candidate or individual filing the petition the constitutional
986 and statutory qualification requirements for the office that the candidate is seeking;
- 987 (ii) require the candidate or individual filing the petition to state whether the
988 candidate meets the requirements described in Subsection (4)(a)(i); and
- 989 (iii) inform the candidate or the individual filing the petition that an individual who
990 holds a municipal elected office may not, at the same time, hold a county elected
991 office.
- 992 (b) If the prospective candidate does not meet the qualification requirements for the
993 office, the filing officer may not accept the declaration of candidacy or nomination
994 petition.
- 995 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
996 filing officer shall:
- 997 (i) inform the candidate that, subject to Section 20A-6-109, the candidate's name will
998 appear on the ballot as it is written on the declaration of candidacy;
- 999 (ii) provide the candidate with a copy of the current campaign financial disclosure
1000 laws for the office the candidate is seeking and inform the candidate that failure to
1001 comply will result in disqualification as a candidate and removal of the candidate's
1002 name from the ballot;
- 1003 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1004 Electronic Voter Information Website Program and inform the candidate of the
1005 submission deadline under Subsection 20A-7-801(4)(a);
- 1006 (iv) inform the candidate that the candidate must provide the filing officer with an
1007 email address that the candidate actively monitors:
- 1008 (A) to receive a communication from a filing officer or an election officer; and
1009 (B) if the candidate wishes to display a candidate profile on the Statewide
1010 Electronic Voter Information Website, to submit to the website the
1011 biographical and other information described in Subsection 20A-7-801
1012 (4)(a)(ii);
- 1013 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
1014 not a record under Title 63G, Chapter 2, Government Records Access and
1015 Management Act;

- 1016 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
 1017 (vii) provide the candidate with a copy of the pledge of fair campaign practices
 1018 described under Section 20A-9-206 and inform the candidate that:
 1019 (A) signing the pledge is voluntary; and
 1020 (B) signed pledges shall be filed with the filing officer; and
 1021 (viii) accept the declaration of candidacy or nomination petition.

1022 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 1023 shall:

- 1024 (i) accept the candidate's pledge; and
 1025 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
 1026 candidate's pledge to the chair of the county or state political party of which the
 1027 candidate is a member.

1028 (5)(a) The declaration of candidacy shall be in substantially the following form:

1029 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
 1030 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number
 1031 (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____
 1032 (stating the term). I will meet the legal qualifications required of candidates for this office. If
 1033 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
 1034 candidate filing period. I will file all campaign financial disclosure reports as required by law
 1035 and I understand that failure to do so will result in my disqualification as a candidate for this
 1036 office and removal of my name from the ballot. I request that my name be printed upon the
 1037 applicable official ballots. (Signed) _____

1038 Subscribed and sworn to (or affirmed) before me by _____ on this
 1039 _____(month\day\year).

1040 (Signed) _____ (Clerk or other officer qualified to administer oath)."

1041 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
 1042 not sign the form described in Subsection (5)(a).

1043 (c)(i) A nomination petition shall be in substantially the following form:

1044 "NOMINATION PETITION

1045 The undersigned residents of (name of municipality), being registered voters, nominate
 1046 (name of nominee) for the office of (name of office) for the (length of term of office)."

1047 (ii) The remainder of the petition shall contain lines and columns for the signatures of
 1048 individuals signing the petition and each individual's address and phone number.

1049 (6) If the declaration of candidacy or nomination petition fails to state whether the

- 1050 nomination is for the two-year or four-year term, the clerk shall consider the nomination
1051 to be for the four-year term.
- 1052 (7)(a)(i) The clerk shall verify with the county clerk that all candidates are registered
1053 voters.
- 1054 (b) With the assistance of the county clerk, and using the procedures described in
1055 Section 20A-1-1002, the municipal clerk shall determine whether the required
1056 number of signatures of registered voters appears on a nomination petition.
- 1057 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk
1058 shall:
- 1059 (a) publicize a list of the names of the candidates as they will appear on the ballot by
1060 publishing the list for the municipality, as a class A notice under Section 63G-30-102,
1061 for seven days; and
- 1062 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1063 the ballot.
- 1064 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of
1065 candidacy or nomination petition filed under this section after the candidate filing period
1066 ends.
- 1067 (10)(a) A declaration of candidacy or nomination petition that an individual files under
1068 this section is valid unless a person files a written objection with the clerk before 5
1069 p.m. within 10 days after the last day for filing.
- 1070 (b) If a person files an objection, the clerk shall:
- 1071 (i) mail or personally deliver notice of the objection to the affected candidate
1072 immediately; and
- 1073 (ii) decide any objection within 48 hours after the objection is filed.
- 1074 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days
1075 after the day on which the clerk sustains the objection, correct the problem for which
1076 the objection is sustained by amending the candidate's declaration of candidacy or
1077 nomination petition, or by filing a new declaration of candidacy.
- 1078 (d)(i) The clerk's decision upon objections to form is final.
- 1079 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1080 prompt application is made to the district court.
- 1081 (iii) The decision of the district court is final unless the Supreme Court, in the
1082 exercise of its discretion, agrees to review the lower court decision.
- 1083 (11) A candidate who qualifies for the ballot under this section may withdraw as a

- 1084 candidate by filing a written affidavit with the municipal clerk.
- 1085 (12)(a) A voter who signs a nomination petition under this section may have the voter's
1086 signature removed from the petition by, no later than three business days after the day
1087 on which the petition is filed with the city recorder or municipal clerk, submitting to
1088 the municipal clerk a statement requesting that the voter's signature be removed.
- 1089 (b) A statement described in Subsection (12)(a) shall comply with the requirements
1090 described in Subsection 20A-1-1003(2).
- 1091 (c) With the assistance of the county clerk and using the procedures described in
1092 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
1093 individual's signature from a petition after receiving a timely, valid statement
1094 requesting removal of the signature.
- 1095 Section 12. Section **20A-9-403** is amended to read:
1096 **20A-9-403 . Regular primary elections.**
- 1097 (1)(a) Candidates for elective office that are to be filled at the next regular general
1098 election shall be nominated in a regular primary election by direct vote of the people
1099 in the manner prescribed in this section. The regular primary election is held on the
1100 date specified in Section 20A-1-201.5. Nothing in this section shall affect a
1101 candidate's ability to qualify for a regular general election's ballot as an unaffiliated
1102 candidate under Section 20A-9-501 or to participate in a regular general election as a
1103 write-in candidate under Section 20A-9-601.
- 1104 (b) Each registered political party that chooses to have the names of the registered
1105 political party's candidates for elective office featured with party affiliation on the
1106 ballot at a regular general election shall comply with the requirements of this section
1107 and shall nominate the registered political party's candidates for elective office in the
1108 manner described in this section.
- 1109 (c) A filing officer may not permit an official ballot at a regular general election to be
1110 produced or used if the ballot denotes affiliation between a registered political party
1111 or any other political group and a candidate for elective office who is not nominated
1112 in the manner prescribed in this section or in Subsection 20A-9-202(4).
- 1113 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1114 even-numbered year in which a regular general election will be held.
- 1115 (2)(a) Each registered political party, in a statement filed with the lieutenant governor,
1116 shall:
1117 (i) either declare the registered political party's intent to participate in the next regular

- 1118 primary election or declare that the registered political party chooses not to have
1119 the names of the registered political party's candidates for elective office featured
1120 on the ballot at the next regular general election; and
- 1121 (ii) if the registered political party participates in the upcoming regular primary
1122 election, identify one or more registered political parties whose members may
1123 vote for the registered political party's candidates and whether individuals
1124 identified as unaffiliated with a political party may vote for the registered political
1125 party's candidates.
- 1126 (b)(i) A registered political party that is a continuing political party shall file the
1127 statement described in Subsection (2)(a) with the lieutenant governor no later than
1128 5 p.m. on November 30 of each odd-numbered year.
- 1129 (ii) An organization that is seeking to become a registered political party under
1130 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
1131 time that the registered political party files the petition described in Section
1132 20A-8-103.
- 1133 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration
1134 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
1135 on the regular primary ballot of the registered political party listed on the declaration
1136 of candidacy only if the individual is certified by the appropriate filing officer as
1137 having submitted a nomination petition that was:
- 1138 (i) circulated and completed in accordance with Section 20A-9-405; and
1139 (ii) signed by at least 2% of the registered political party's members who reside in the
1140 political division of the office that the individual seeks.
- 1141 (b)(i) A candidate for elective office shall submit signatures for a nomination petition
1142 to the appropriate filing officer for verification and certification no later than 5
1143 p.m. on the final day in March.
- 1144 (ii) A candidate may supplement the candidate's submissions at any time on or before
1145 the filing deadline.
- 1146 (c)(i) The lieutenant governor shall determine for each elective office the total
1147 number of signatures that must be submitted under Subsection (3)(a)(ii) or
1148 20A-9-408(8) by counting the aggregate number of individuals residing in each
1149 elective office's political division who have designated a particular registered
1150 political party on the individuals' voter registration forms on or before November
1151 15 of each odd-numbered year.

- 1152 (ii) The lieutenant governor shall publish the determination for each elective office
1153 no later than November 30 of each odd-numbered year.
- 1154 (d) The filing officer shall:
- 1155 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
1156 nomination petitions in a transparent and orderly manner, no later than 14 days
1157 after the day on which a candidate submits the signatures to the filing officer;
- 1158 (ii) for all qualifying candidates for elective office who submit nomination petitions
1159 to the filing officer, issue certifications referenced in Subsection (3)(a) no later
1160 than the deadline described in Subsection 20A-9-202(1)(b);
- 1161 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 1162 (iv) consider an individual who signs a nomination petition a member of a registered
1163 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
1164 that registered political party as the individual's party membership on the
1165 individual's voter registration form; and
- 1166 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
1167 the county clerk as applicable, use the procedures described in Section 20A-1-1002
1168 to verify submitted nomination petition signatures, or use statistical sampling
1169 procedures to verify submitted nomination petition signatures in accordance with
1170 rules made under Subsection (3)(f).
- 1171 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
1172 governor may appear on the regular primary ballot of a registered political party
1173 without submitting nomination petitions if the candidate files a declaration of
1174 candidacy and complies with Subsection 20A-9-202(3).
- 1175 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1176 director of elections, within the Office of the Lieutenant Governor, may make rules
1177 that:
- 1178 (i) provide for the use of statistical sampling procedures that:
- 1179 (A) filing officers are required to use to verify signatures under Subsection (3)(d);
1180 and
- 1181 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1182 submission, using widely recognized statistical sampling techniques; and
- 1183 (ii) provide for the transparent, orderly, and timely submission, verification, and
1184 certification of nomination petition signatures.
- 1185 (g) The county clerk shall:

- 1186 (i) review the declarations of candidacy filed by candidates for local boards of
1187 education to determine if more than two candidates have filed for the same seat;
- 1188 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1189 local board of education seat on the nonpartisan section of the ballot if more than
1190 two candidates have filed for the same seat; and
- 1191 (iii) [~~determine the order of~~] place the local board of education candidates' names on
1192 the ballot in accordance with [~~Section 20A-6-305~~] Sections 20A-6-109 and
1193 20A-6-110.
- 1194 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
1195 governor shall provide to the county clerks:
- 1196 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
1197 county, and county offices who have received certifications under Subsection (3),
1198 along with instructions on how those names shall appear on the primary election
1199 ballot in accordance with [~~Section 20A-6-305~~] Sections 20A-6-109 and 20A-6-110;
1200 and
- 1201 (ii) a list of unopposed candidates for elective office who have been nominated by a
1202 registered political party under Subsection (5)(c) and instruct the county clerks to
1203 exclude the unopposed candidates from the primary election ballot.
- 1204 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1205 joint-ticket running mates shall appear jointly on the primary election ballot.
- 1206 (c) After the county clerk receives the certified list from the lieutenant governor under
1207 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1208 substantially the following form:
- 1209 "Notice is given that a primary election will be held Tuesday, June _____,
1210 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
1211 local school board positions listed on the primary ballot. The polling place for voting precinct
1212 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1213 Attest: county clerk."
- 1214 (5)(a) A candidate who, at the regular primary election, receives the highest number of
1215 votes cast for the office sought by the candidate is:
- 1216 (i) nominated for that office by the candidate's registered political party; or
1217 (ii) for a nonpartisan local school board position, nominated for that office.
- 1218 (b) If two or more candidates are to be elected to the office at the regular general
1219 election, those party candidates equal in number to positions to be filled who receive

- 1220 the highest number of votes at the regular primary election are the nominees of the
1221 candidates' party for those positions.
- 1222 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 1223 (A) no individual other than the candidate receives a certification under
1224 Subsection (3) for the regular primary election ballot of the candidate's
1225 registered political party for a particular elective office; or
- 1226 (B) for an office where more than one individual is to be elected or nominated, the
1227 number of candidates who receive certification under Subsection (3) for the
1228 regular primary election of the candidate's registered political party does not
1229 exceed the total number of candidates to be elected or nominated for that office.
- 1230 (ii) A candidate who is unopposed for an elective office in the regular primary
1231 election of a registered political party is nominated by the party for that office
1232 without appearing on the primary election ballot.
- 1233 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary
1234 election provided for by this section, and all expenses necessarily incurred in the
1235 preparation for or the conduct of that primary election shall be paid out of the treasury of
1236 the county or state, in the same manner as for the regular general elections.
- 1237 (7) An individual may not file a declaration of candidacy for a registered political party of
1238 which the individual is not a member, except to the extent that the registered political
1239 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.**
- 1242 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.
- 1243 (2)(a) A qualified political party that nominates one or more candidates for an elective
1244 office under Section 20A-9-407 and does not have a candidate qualify as a candidate
1245 for that office under Section 20A-9-408, may, but is not required to, participate in the
1246 primary election for that office.
- 1247 (b) A qualified political party that has only one candidate qualify as a candidate for an
1248 elective office under Section 20A-9-408 and does not nominate a candidate for that
1249 office under Section 20A-9-407, may, but is not required to, participate in the
1250 primary election for that office.
- 1251 (c) A qualified political party that nominates one or more candidates for an elective
1252 office under Section 20A-9-407 and has one or more candidates qualify as a
1253 candidate for that office under Section 20A-9-408 shall participate in the primary

- 1254 election for that office.
- 1255 (d) A qualified political party that has two or more candidates qualify as candidates for
1256 an elective office under Section 20A-9-408 and does not nominate a candidate for
1257 that office under Section 20A-9-407 shall participate in the primary election for that
1258 office.
- 1259 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201
1260 or 17-52a-202, a qualified political party shall participate in the primary election for a
1261 county commission office if:
- 1262 (a) there is more than one:
- 1263 (i) open position as defined in Section 17-52a-201; or
1264 (ii) midterm vacancy as defined in Section 17-52a-201; and
- 1265 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
1266 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds
1267 the number of respective open positions or midterm vacancies.
- 1268 (4)(a) As used in this Subsection (4), a candidate is "unopposed" if:
- 1269 (i) no individual other than the candidate receives a certification, from the appropriate
1270 filing officer, for the regular primary election ballot of the candidate's registered
1271 political party for a particular elective office; or
- 1272 (ii) for an office where more than one individual is to be elected or nominated, the
1273 number of candidates who receive certification, from the appropriate filing officer,
1274 for the regular primary election of the candidate's registered political party does
1275 not exceed the total number of candidates to be elected or nominated for that
1276 office.
- 1277 (b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:
- 1278 (i) provide to the county clerks:
- 1279 (A) a list of the names of all candidates for federal, constitutional, multi-county,
1280 single county, and county offices who have received certifications from the
1281 appropriate filing officer, along with instructions on how those names shall
1282 appear on the primary election ballot in accordance with [~~Section 20A-6-305~~
1283 Sections 20A-6-109 and 20A-6-110]; and
- 1284 (B) a list of unopposed candidates for elective office who have been nominated by
1285 a registered political party; and
- 1286 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1287 election ballot.

1288 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
1289 the fourth Saturday in April.

1290 Section 14. Section **20A-12-201** is amended to read:

1291 **20A-12-201 . Judicial appointees -- Retention elections.**

1292 (1)(a) Each judicial appointee to a court is subject to an unopposed retention election at
1293 the first general election held more than three years after the judge or justice was
1294 appointed.

1295 (b) After the first retention election:

1296 (i) each Supreme Court justice shall be on the regular general election ballot for an
1297 unopposed retention election every tenth year; and

1298 (ii) each judge of other courts shall be on the regular general election ballot for an
1299 unopposed retention election every sixth year.

1300 (2)(a) Each justice or judge of a court of record who wishes to retain office shall, in the
1301 year the justice or judge is subject to a retention election:

1302 (i) file a declaration of candidacy with the lieutenant governor, or with the county
1303 clerk in the candidate's county of residence, within the period beginning on July 1
1304 and ending at 5 p.m. on July 15 in the year of a regular general election; and

1305 (ii) pay a filing fee of \$50.

1306 (b)(i) Each justice court judge who wishes to retain office shall, in the year the justice
1307 court judge is subject to a retention election:

1308 (A) file a declaration of candidacy with the lieutenant governor, or with the county
1309 clerk in the candidate's county of residence, within the period beginning on
1310 July 1 and ending at 5 p.m. on July 15 in the year of a regular general election;
1311 and

1312 (B) pay a filing fee of \$25 for each judicial office.

1313 (ii) If a justice court judge is appointed or elected to more than one judicial office, the
1314 declaration of candidacy shall identify all of the courts included in the same
1315 general election.

1316 (iii) If a justice court judge is appointed or elected to more than one judicial office,
1317 filing a declaration of candidacy in one county in which one of those courts is
1318 located is valid for the courts in any other county.

1319 (3)(a) The lieutenant governor shall, no later than August 31 of each regular general
1320 election year:

1321 (i) transmit a certified list containing the names of the justices of the Supreme Court,

- 1322 judges of the Court of Appeals, and judges of the Business and Chancery Court
 1323 declaring their candidacy to the county clerk of each county; and
- 1324 (ii) transmit a certified list containing the names of judges of other courts declaring
 1325 their candidacy to the county clerk of each county in the geographic division in
 1326 which the judge filing the declaration holds office.
- 1327 (b) Each county clerk shall place the names of justices and judges standing for retention
 1328 election:
- 1329 (i) in the nonpartisan section of the ballot[-] ; and
 1330 (ii) in accordance with Section 20A-6-109.
- 1331 (4)(a) At the general election, the ballots shall contain:
- 1332 (i) at the beginning of the judicial retention section of the ballot, the following statement:
 1333 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's
 1334 recommendations for each judge"; and
- 1335 (ii) as to each justice or judge of any court to be voted on in the county, the following question:
 1336 "Shall _____(name of justice or judge) be retained in the
 1337 office of _____? (name of office, such as "Justice of the Supreme
 1338 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery
 1339 Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the
 1340 Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county)
 1341 County or (name of municipality)")
- 1342 Yes ()
 1343 No ()."
- 1344 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102,
 1345 the ballot question for the judge shall include the name of that court.
- 1346 (5)(a) If the justice or judge receives more yes votes than no votes, the justice or judge is
 1347 retained for the term of office provided by law.
- 1348 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
 1349 judge is not retained, and a vacancy exists in the office on the first Monday in
 1350 January after the regular general election.
- 1351 (6) A justice or judge not retained is ineligible for appointment to the office for which the
 1352 justice or judge was defeated until after the expiration of that term of office.
- 1353 (7)(a) If a justice court judge is standing for retention for one or more judicial offices in
 1354 a county in which the judge is a county justice court judge or a municipal justice
 1355 court judge in a town or municipality of the fourth or fifth class, as described in

1356 Section 10-2-301, or any combination thereof, the election officer shall place the
1357 judge's name on the county ballot only once for all judicial offices for which the
1358 judge seeks to be retained.

1359 (b) If a justice court judge is standing for retention for one or more judicial offices in a
1360 municipality of the first, second, or third class, as described in Section 10-2-301, the
1361 election officer shall place the judge's name only on the municipal ballot for the
1362 voters of the municipality that the judge serves.

1363 Section 15. **Effective Date.**

1364 This bill takes effect on May 7, 2025.