

### Part 3 Regular General Election Ballots

#### **20A-6-301 Manual ballots -- Regular general election.**

- (1) Each election officer shall ensure that:
  - (a) all manual ballots furnished for use at the regular general election contain:
    - (i) no captions or other endorsements except as provided in this section;
    - (ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and
    - (iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);
  - (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:
    - (i) "Official Ballot for \_\_\_\_ County, Utah";
    - (ii) the date of the election; and
    - (iii) the words "certified by the Clerk of \_\_\_\_\_ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;
  - (c) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in accordance with Section 20A-6-305, without a party name or title;
  - (d) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;
  - (e) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;
  - (f) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and
  - (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:
    - (i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or
    - (ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.
- (2) An election officer shall ensure that:
  - (a) each individual nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:
    - (i) under the registered political party's name, if any; or
    - (ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;
  - (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

- (c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and
  - (d) the ballots contain no other names.
- (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;
  - (b) the words designating the office are printed flush with the left-hand margin;
  - (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;
  - (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
  - (e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and
  - (f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)," according to the number to be elected.
- (4) Each election officer shall ensure that:
- (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;
  - (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107;
  - (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206; and
  - (d) the judicial retention section of the ballot includes a statement at the beginning directing voters to the Judicial Performance Evaluation Commission's website in accordance with Subsection 20A-12-201(4).

Amended by Chapter 136, 2021 General Session

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

- (1) An election officer shall ensure, for manual ballots in regular general elections, that:
- (a) each candidate is listed by party, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);
  - (b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and
  - (c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.
- (2)
- (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_\_ No \_\_\_\_\_."
  - (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.
  - (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

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

Amended by Chapter 31, 2020 General Session

**20A-6-304 Regular general election -- Mechanical ballots.**

- (1) Each election officer shall ensure that:
  - (a) the format and content of a mechanical ballot is arranged in approximately the same order as manual ballots;
  - (b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate displays;
  - (c) the mechanical ballot is of sufficient length to include, after the list of candidates:
    - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
    - (ii) any ballot propositions submitted to the voters for their approval or rejection;
  - (d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;
  - (e) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed adjacent to the candidate's name; and
  - (f) if possible, all candidates for one office are grouped in one column or upon one display screen.
- (2) Each election officer shall ensure that:
  - (a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;
  - (b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107;
  - (c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206; and
  - (d) the judicial retention section of the ballot includes a statement at the beginning directing voters to the Judicial Performance Evaluation Commission's website in accordance with Subsection 20A-12-201(4).

Amended by Chapter 136, 2021 General Session

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

- (1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).
- (2) The lieutenant governor shall:
  - (a) within 30 days after the candidate filing deadline in each even-numbered year, conduct a random selection to create a master ballot position list for all elections in accordance with procedures established under Subsection (2)(c);
  - (b) publish the master ballot position list on the lieutenant governor's election website no later than 15 days after creating the list; and
  - (c) establish written procedures for:
    - (i) the election official to use the master ballot position list; and
    - (ii) the lieutenant governor in:
      - (A) conducting the random selection in a fair manner; and
      - (B) providing a record of the random selection process used.

- (3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.
- (4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using:
  - (a) the candidate's surname;
  - (b) for candidates with a surname that has the same spelling, the candidate's given name; and
  - (c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor.
- (5) Subsections (1) through (4) do not apply to:
  - (a) an election for an office for which only one candidate is listed on the ballot; or
  - (b) a judicial retention election under Section 20A-12-201.
- (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately, in the following order:
  - (a) for federal office:
    - (i) president and vice president of the United States;
    - (ii) United States Senate office; and
    - (iii) United States House of Representatives office;
  - (b) for state office:
    - (i) governor and lieutenant governor;
    - (ii) attorney general;
    - (iii) state auditor;
    - (iv) state treasurer;
    - (v) state Senate office;
    - (vi) state House of Representatives office; and
    - (vii) State Board of Education member;
  - (c) for county office:
    - (i) county executive office;
    - (ii) county legislative body member;
    - (iii) county assessor;
    - (iv) county or district attorney;
    - (v) county auditor;
    - (vi) county clerk;
    - (vii) county recorder;
    - (viii) county sheriff;
    - (ix) county surveyor;
    - (x) county treasurer; and
    - (xi) local school board member;
  - (d) for municipal office:
    - (i) mayor; and
    - (ii) city or town council member;
  - (e) elected planning and service district council member;
  - (f) judicial retention questions; and
  - (g) ballot propositions not described in Subsection (6)(f).
- (7)
  - (a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest ballot ticket position that is reserved for an office that is subsumed in the combined office.
  - (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:

- (i) each candidate in accordance with Subsections (1) through (4); and
- (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.

Amended by Chapter 49, 2020 General Session