

**BALLOT REQUIREMENTS ON LEGISLATIVE
AND INITIATIVE PROPOSALS**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Millie M. Peterson

This act modifies ballot requirements for regular general elections and municipal general elections. This act establishes the title naming conventions for ballot propositions submitted to the voters and makes technical corrections.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-6-301, as last amended by Chapter 1, Laws of Utah 1995

20A-6-303, as enacted by Chapter 2, Laws of Utah 1994

20A-6-402, as enacted by Chapter 2, Laws of Utah 1994

20A-7-103, as enacted by Chapter 340, Laws of Utah 1995

20A-7-209, as last amended by Chapter 21, Laws of Utah 1999

20A-7-308, as last amended by Chapters 20 and 153, Laws of Utah 1995

20A-7-508, as enacted by Chapter 272, Laws of Utah 1994

20A-7-608, as enacted by Chapter 272, Laws of Utah 1994

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

Section 1. Section **20A-6-301** is amended to read:

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

(1) Each election officer shall ensure that:

(a) all ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words "Judge's Initial ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed

in 18-point bold type:

- (i) "Official Ballot for ____ County, Utah";
- (ii) the date of the election; and
- (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- (d) each ticket is placed in a separate column on the ballot in the order determined by the election officer with the party emblem, followed by the party name, at the head of the column;
- (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;
- (f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;
- (g) unaffiliated candidates and candidates not affiliated with a registered political party are listed in one column, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";
- (h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;
- (i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;
- (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of an inch apart;
- (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the right of the name of each candidate;
- (l) for the offices of president and vice president and governor and lieutenant governor, one square with sides measuring not less than 1/4 of an inch in length is printed opposite a double bracket enclosing the right side of the names of the two candidates;
- (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons

to be elected with:

- (i) the offices to be filled printed above the blank spaces on the ticket; and
 - (ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle;
 - (n) when required, the ballot includes a nonpartisan ticket placed immediately to the right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule running vertically the full length of the nonpartisan ballot copy; and
 - (o) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates.
- (2) Each election officer shall ensure that:
- (a) each person nominated by any political party or group of petitioners is placed on the ballot:
 - (i) under the party name and emblem, if any; or
 - (ii) under the title of the party or group 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 Title 20A, 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 two or more" 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 alphabetical order with the surnames last, except for candidates for the State Board of Education and local school boards;

(f) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A-14-105;

(g) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot;

(h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk; and

(i) 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 two or more," 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 under the heading "Constitutional Amendment Number " with the number of the constitutional amendment as assigned under Section 20A-7-103 placed in the blank;

(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot under the heading "State Proposition Number " with the number of the state proposition as assigned under Section 20A-7-103 placed in the blank;

(c) propositions submitted to the voters by a county are listed on the ballot under the heading "County Proposition Number " with the number of the county proposition as assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed on the ballot under the heading "School District Proposition Number " with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Initiative Number " with the number of the state initiative as assigned by Section

20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Initiative Number _____" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Referendum Number _____" with the number of the state referendum as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

(h) county referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Referendum Number _____" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank.

Section 2. Section **20A-6-303** is amended to read:

20A-6-303. Machine-counted ballots for regular general elections.

(1) Each election officer shall ensure that:

~~[(1)]~~ (a) copy on the ballot labels are arranged in approximately the same order as paper ballots;

~~[(2)]~~ (b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

~~[(3)]~~ (c) if pages are used, the pages placed on the voting device are of sufficient number to include, after the list of candidates:

~~[(a)]~~ (i) the names of candidates for judicial offices and any other nonpartisan offices; and

~~[(b)]~~ (ii) any ballot propositions submitted to the voters for their approval or rejection;

~~[(4)]~~ (d) the ballot labels include a voting square or position where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch;

~~[(5)]~~ (e) the tickets are printed on the ballot label in the order determined by the county clerk;

~~[(6)]~~ (f) the office titles are printed 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;

~~[(7)]~~ (g) the party designation of each candidate is printed to the right or below the candidate's name; and

~~[(8)(a)]~~ (h) (i) if possible, all candidates for one office are grouped in one column or upon one page;

~~[(b)]~~ (ii) if all candidates for one office cannot be listed in one column or grouped upon one page:

~~[(i)]~~ (A) the ballot label is clearly marked to indicate that the list of candidates is continued on the following column or page; and

~~[(ii)]~~ (B) approximately the same number of names are printed in each column or on each page; and

~~[(9)]~~ (i) arrows are used to indicate the place to vote for each candidate and on each measure.

(2) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot label under the heading "Constitutional Amendment Number _____" with the number of the constitutional amendment as assigned under Section 20A-7-103 placed in the blank;

(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot label under the heading "State Proposition Number _____" with the number of the state proposition as assigned under Section 20A-7-103 placed in the blank;

(c) propositions submitted to the voters by a county are listed on the ballot label under the heading "County Proposition Number _____" with the number of the county proposition as assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed on the ballot label under the heading "School District Proposition Number _____" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot label under the heading "Citizen's State Initiative Number _____" with the number of the state initiative as assigned under Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot label under the heading "Citizen's County Initiative Number _____" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot label under the heading "Citizen's State Referendum Number _____" with the number of the state referendum as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

(h) county referenda that have qualified for the ballot are listed on the ballot label under the heading "Citizen's County Referendum Number _____" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank.

Section 3. Section **20A-6-402** is amended to read:

20A-6-402. Ballots for regular municipal elections.

(1) Each election officer shall ensure, for paper ballots at municipal general elections, that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and

(ii) the names of those candidates are placed upon the municipal general election ballot[-];

(d) propositions submitted to the voters by the municipality are listed on the ballot under the heading "City (or Town) Proposition Number _____" with the number of the proposition as assigned by the municipal legislative body placed in the blank;

(e) municipal initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's City (or Town) Initiative Number _____" with the number of the municipal initiative as assigned by Section 20A-7-508 placed in the blank; and

(f) municipal referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's City (or Town) Referendum Number _____" with the number of the municipal referendum as assigned by Section 20A-7-608 placed in the blank.

(2) Each election officer shall ensure that:

- (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;
- (ii) the ballot number and the words "Judge's Initial ____" are printed on the stub; and
- (iii) ballot stubs are numbered consecutively;
- (b) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:
- (i) "Official Ballot for ____ (City or Town), Utah";
- (ii) the date of the election; and
- (iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type; and
- (c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;
- (d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;
- (e) after the rules, the designation of the office for which the candidates seek election is printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or more" are printed to extend to the extreme right of the column in ten-point bold type, followed by a hair-line rule;
- (f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules $\frac{3}{8}$ inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;
- (g) a square with sides not less than $\frac{1}{4}$ inch long is printed to the right of the names of the candidates;
- (h) following the name of the last candidate for each office, the ballot contains a write-in space for each elective office; and
- (i) the candidate groups are separated from each other by one light and one heavy line or

rule.

(3) When a municipality has chosen to nominate candidates by convention or committee, the election officer shall ensure that the party name is included with the candidate's name on the ballot.

Section 4. Section **20A-7-103** is amended to read:

20A-7-103. Constitutional amendments and other questions -- Procedures for submission to popular vote.

(1) The procedures contained in this section govern when:

(a) the Legislature submits a proposed constitutional amendment or other question to the voters; and

(b) an act of the Legislature is referred to the voters by referendum petition.

(2) The lieutenant governor shall, not later than 60 days before the regular general election, publish the full text of the amendment, question, or statute in at least one newspaper in every county of the state where a newspaper is published.

(3) The legislative general counsel shall:

~~[(a) designate the amendment or question by number and order of presentation on the ballot;]~~

(a) entitle each proposed constitutional amendment "Constitutional Amendment Number ____" and give it a number;

(b) entitle each proposed question "State Proposition Number ____" and give it a number;

(c) entitle each state referendum that has qualified for the ballot "Citizen's State Referendum Number ____" and give it a number;

~~[(b)]~~ (d) draft and designate a ballot title that summarizes the subject matter of the amendment or question; and

~~[(c)]~~ (e) deliver them to the lieutenant governor.

(4) The lieutenant governor shall certify the number and ballot title of each amendment or question to the county clerk of each county no later than the second Friday after the primary election.

(5) The county clerk of each county shall:

(a) ensure that both the number and title of the amendment, question, or referendum is

printed on the sample ballots and official ballots; and

(b) publish them as provided by law.

Section 5. Section **20A-7-209** is amended to read:

20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) By July 6 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each state initiative that has qualified for the ballot "Citizen's State Initiative Number ____" and give it a number;

~~(i)~~ (ii) prepare a ballot title for each initiative; and

~~(i)~~ (iii) return each petition and ballot title to the lieutenant governor by July 20.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not more than 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.

(d) In preparing ballot titles, the Office of Legislative Research and General Counsel shall, to the best of its ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) By July 21, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition.

(4) (a) If the ballot title furnished by the Office of Legislative Research and General Counsel is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by July 30, appeal the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.

(b) The Supreme Court shall:

(i) examine the ballot title;
(ii) hear arguments; and
(iii) by August 10, certify to the lieutenant governor a ballot title for the measure that fulfills the intent of this section.

(c) By September 1, the lieutenant governor shall certify the title verified to him by the supreme court to the county clerks to be printed on the official ballot.

Section 6. Section **20A-7-308** is amended to read:

20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each state referendum that has qualified for the ballot "Citizen's State Referendum Number " and give it a number;

~~[(i)]~~ (ii) prepare a ballot title for the referendum; and

~~[(i)]~~ (iii) return the petition and the ballot title to the lieutenant governor within 15 days after its receipt.

(b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not more than 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.

(d) In preparing ballot titles, the Office of Legislative Research and General Counsel shall, to the best of its ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) Immediately after the Office of Legislative Research and General Counsel files a copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of the ballot

title to any of the sponsors of the petition.

(4) (a) If the ballot title furnished by the Office of Legislative Research and General Counsel is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, within 15 days of the date the lieutenant governor mails the ballot title, appeal the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the supreme court.

(b) The supreme court shall:

(i) examine the ballot title;

(ii) hear arguments; and

(iii) within five days of its decision, certify to the lieutenant governor a ballot title for the measure that fulfills the intent of this section.

(c) The lieutenant governor shall certify the title verified to him by the supreme court to the county clerks to be printed on the official ballot.

Section 7. Section **20A-7-508** is amended to read:

20A-7-508. Ballot title -- Duties of local clerk and local attorney.

(1) Whenever an initiative petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) (a) The local attorney shall:

(i) entitle each county initiative that has qualified for the ballot "Citizen's County Initiative Number _____" and give it a number;

(ii) entitle each municipal initiative that has qualified for the ballot "Citizen's City (or Town) Initiative Number _____" and give it a number;

~~(iii)~~ (iii) prepare a ballot title for the initiative; and

~~(iv)~~ (iv) return the petition and the ballot title to the local clerk within 15 days after its receipt.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the local attorney shall

be printed on the official ballot.

(d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.

(4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney to the Supreme Court.

(b) The Supreme Court shall examine the measures and hear arguments, and, in its decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title verified to him by the Supreme Court on the official ballot.

Section 8. Section **20A-7-608** is amended to read:

20A-7-608. Ballot title -- Duties of local clerk and local attorney.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) (a) The local attorney shall:

(i) entitle each county referendum that has qualified for the ballot "Citizen's County Referendum Number ____" and give it a number;

(ii) entitle each municipal referendum that has qualified for the ballot "Citizen's City (or Town) Referendum Number ____" and give it a number;

~~(i)~~ (iii) prepare a ballot title for the referendum; and

~~(ii)~~ (iv) return the petition and the ballot title to the local clerk within 15 days after its receipt.

(b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(c) The ballot title and the number of the measure as determined by the local attorney shall be printed on the official ballot.

(d) In preparing ballot titles, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.

(e) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(3) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition.

(4) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, at least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney to the Supreme Court.

(b) The Supreme Court shall examine the measures and hear arguments, and, in its decision, shall certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title verified to him by the Supreme Court on the official ballot.