

REVISIONS TO ELECTION LAW

2002 THIRD SPECIAL SESSION

STATE OF UTAH

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This act modifies the Election Code to change the primary election date from June 25, 2002 to September 10, 2002 and makes conforming changes throughout the Election Code to accomplish that change. This act modifies definitions, modifies requirements for filling candidate vacancies, extends the date for allowing unaffiliated voters to affiliate at the polls, makes an exception to the prohibition against filing for more than one office in an election year, modifies campaign finance filing dates for candidates, and modifies voter information pamphlet distribution dates. This act repeals sections unique to the 2002 election cycle on January 1, 2003. This act modifies the effective date of S.B. 36, Provisional Ballot, 2002 Annual General Session. This act has an immediate effective date.

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

AMENDS:**20A-1-102**, as last amended by Chapter 241, Laws of Utah 2001**20A-2-107.1**, as enacted by Chapter 328, Laws of Utah 2000**20A-3-104.5**, as enacted by Chapter 328, Laws of Utah 2000**20A-9-403**, as last amended by Chapters 75 and 328, Laws of Utah 2000**63-55b-120**, as enacted by Chapter 328, Laws of Utah 2000**ENACTS:****20A-1-201.6**, Utah Code Annotated 1953**20A-1-501.1**, Utah Code Annotated 1953

30 **20A-1-801**, Utah Code Annotated 1953

31 **20A-2-203.1**, Utah Code Annotated 1953

32 **20A-7-702.1**, Utah Code Annotated 1953

33 **20A-9-201.1**, Utah Code Annotated 1953

34 **20A-11-303.1**, Utah Code Annotated 1953

35 **20A-11-305.1**, Utah Code Annotated 1953

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

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

38 **20A-1-102. Definitions.**

39 As used in this title:

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

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

44 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his
45 votes and includes ballot cards, paper ballots, and secrecy envelopes.

46 (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

47 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain
48 the names of offices and candidates and statements of ballot propositions to be voted on and which
49 are used in conjunction with ballot cards.

50 (6) "Ballot proposition" means opinion questions specifically authorized by the
51 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that
52 are submitted to the voters for their approval or rejection.

53 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
54 20A-4-306 to canvass election returns.

55 (8) "Bond election" means an election held for the sole purpose of approving or rejecting
56 the proposed issuance of bonds by a government entity.

57 (9) "Book voter registration form" means voter registration forms contained in a bound
58 book that are used by election officers and registration agents to register persons to vote.

59 (10) "By-mail voter registration form" means a voter registration form designed to be
60 completed by the voter and mailed to the election officer.

(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(12) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.

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

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

(15) "Counting judge" means a judge designated to count the ballots during election day.

(16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

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

(18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

(19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

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

(21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

(22) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

(24) "Election officer" means:

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

(b) the county clerk or clerks for all county ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5;

(c) the municipal clerk for all municipal ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5; and

(d) the special district clerk or chief executive officer for all special district ballots that are not part of a statewide, county, or municipal ballot.

(25) "Election official" means any election officer, election judge, or satellite registrar.

(26) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(27) "Electronic voting system" means a system in which a voting device is used in conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic tabulating equipment.

(28) "Inactive voter" means a registered voter who has been sent the notice required by Section 20A-2-306 and who has failed to respond to that notice.

(29) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

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

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

(32) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.

(33) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

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

(35) "Municipal executive" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(b) the mayor in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the manager in the council-manager optional form of government defined in Section 10-3-1209.

(36) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

123 (37) "Municipal legislative body" means:

124 (a) the city commission, city council, or town council in the traditional management
125 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

126 (b) the municipal council in the council-mayor optional form of government defined in
127 Section 10-3-1209; and

128 (c) the municipal council in the council-manager optional form of government defined in
129 Section 10-3-1209.

130 (38) "Municipal officers" means those municipal officers that are required by law to be
131 elected.

132 (39) "Municipal primary election" means an election held to nominate candidates for
133 municipal office.

134 (40) "Official ballot" means the ballots distributed by the election officer to the election
135 judges to be given to voters to record their votes.

136 (41) "Official endorsement" means:

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

138 (i) the ballot as an official ballot;

139 (ii) the date of the election; and

140 (iii) the facsimile signature of the election officer; and

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

142 (i) the election judge's initials; and

143 (ii) the ballot number.

144 (42) "Official register" means the book furnished election officials by the election officer
145 that contains the information required by Section 20A-5-401.

146 (43) "Paper ballot" means a paper that contains:

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

149 (b) spaces for the voter to record his vote for each office and for or against each ballot
150 proposition.

151 (44) "Political party" means an organization of registered voters that has qualified to
152 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
153 Formation and Procedures.

(45) "Polling place" means the building where residents of a voting precinct vote.

(46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.

(47) "Posting list" means a list of registered voters within a voting precinct.

(48) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(49) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.

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

(51) "Receiving judge" means the election judge that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(52) "Registration days" means the days designated in Section 20A-2-203 when a voter may register to vote with a satellite registrar.

(53) "Registration form" means a book voter registration form and a by-mail voter registration form.

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

(55) (a) Except as provided in Subsection (55)(b), "regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.

(b) For 2002 only, "regular primary election" means the election on September 10, 2002, at which candidates of political parties and nonpolitical groups are voted for nomination.

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

(57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register voters and perform other duties.

(59) "Scratch vote" means to mark or punch the straight party ticket and then mark or

punch the ballot for one or more candidates who are members of different political parties.

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

(61) "Special district" means those local government entities created under the authority of Title 17A.

(62) "Special district officers" means those special district officers that are required by law to be elected.

(63) "Special election" means an election held as authorized by Section 20A-1-204.

(64) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or the election judge; or

(c) lacks the official endorsement.

(65) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

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

(67) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.

(68) "Ticket" means each list of candidates for each political party or for each group of petitioners.

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

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

(71) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(72) "Voter" means a person who meets the requirements for voting in an election, meets the requirements of election registration, is registered to vote, and is listed in the official register book.

(73) "Voting area" means the area within six feet of the voting booths, voting machines,

216 and ballot box.

217 (74) "Voting booth" means the space or compartment within a polling place that is
218 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

219 (75) "Voting device" means:

220 (a) an apparatus in which ballot cards are used in connection with a punch device for
221 piercing the ballots by the voter;

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

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

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

227 (77) "Voting poll watcher" means a person appointed as provided in this title to witness
228 the distribution of ballots and the voting process.

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

231 (79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting
232 poll watcher.

233 (80) "Western States Presidential Primary" means the election established in Title 20A,
234 Chapter 9, Part 8.

235 (81) "Write-in ballot" means a ballot containing any write-in votes.

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

238 Section 2. Section **20A-1-201.6** is enacted to read:

239 **20A-1-201.6. 2002 primary election dates.**

240 Notwithstanding Section 20A-1-201.5, for 2002 only, a regular primary election shall be
241 held throughout the state on September 10, 2002 as provided in Title 20A, Chapter 9, Part 4,
242 Primary Elections, to nominate persons for national, state, school board, and county offices.

243 Section 3. Section **20A-1-501.1** is enacted to read:

244 **20A-1-501.1. Candidate vacancies -- Procedure for filling -- 2002 election only.**

245 Notwithstanding Section 20A-1-501, for 2002 only:

246 (1) A political party may certify the name of another candidate to the appropriate election

officer if the candidate vacancy is created because the candidate who created the vacancy resigned to file a declaration of candidacy for the United States House of Representatives.

(2) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

Section 4. Section **20A-1-801** is enacted to read:

Part 8. Provisions Governing the 2002 Primary Election

20A-1-801. Requirements for 2002 primary election.

(1) (a) Notwithstanding Section 20A-5-101, for 2002 only, if the United States Supreme Court issues an opinion granting Utah a fourth Congressional seat, the lieutenant governor shall, no later than July 12 publish a notice once in a newspaper of general circulation in Utah.

(b) The notice required by Subsection (1)(a) shall identify the dates for filing a declaration of candidacy for the four Congressional seats.

(2) Notwithstanding Section 20A-9-202, for 2002 only, if the United States Supreme Court issues an opinion granting Utah a fourth Congressional seat, each person seeking to become a candidate for Congress shall:

(a) file a declaration of candidacy in person with the lieutenant governor between July 15 and before 5 p.m. on July 19, 2002; and

(b) pay the filing fee.

(3) Notwithstanding Subsection 20A-9-403(2)(b), for 2002 only, as a condition for using the state's election system, each registered political party that wishes to participate in the September 10, 2002 primary election shall:

(a) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on July 30, 2002; and

(b) certify the name and office of each of its county candidates to the county clerks by 5 p.m. on July 30, 2002.

(4) Notwithstanding Subsection 20A-9-403 (2)(d)(i), for 2002 only, if a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on July 30, 2002.

(5) Notwithstanding Subsection 20A-9-403(2)(c), for 2002 only, by 5 p.m. on August 1, 2002, the lieutenant governor shall send the county clerks a certified list of the names of all

statewide or multicounty candidates that must be printed on the primary ballot.

(6) Notwithstanding Subsection 20A-4-301(1)(b)(i), for 2002 only, the board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at noon on September 13, 2002.

(7) Notwithstanding Subsection 20A-4-401(1)(a), for 2002 only, when any candidate in the September 10, 2002 regular primary election loses by not more than a total of one vote per voting precinct, the candidate may file a request for a recount no later than September 16, 2002 with:

(a) the county clerk, for races or ballot propositions voted on entirely within a single county; or

(b) the lieutenant governor, for statewide races and ballot propositions and for multicounty races and ballot propositions.

(8) Notwithstanding Subsection 20A-4-306(5), for 2002 only, at noon on September 18, 2002, the lieutenant governor shall:

(a) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and

(b) publish and file the results of the canvass in the lieutenant governor's office.

(9) Notwithstanding Sections 20A-5-409 and 20A-9-701, for 2002 only, by September 19, 2002, the lieutenant governor shall certify to each county clerk the name of each candidate qualified to be printed on the regular general election ballot for that county clerk's county.

Section 5. Section **20A-2-107.1** is amended to read:

20A-2-107.1. Designating or changing party affiliation -- June 2002 primary.

(1) At ~~the~~ each primary election held ~~[June 24,]~~ in 2002:

(a) each county clerk shall provide change of party affiliation forms to the election judges for each voting precinct within the county; and

(b) any registered voter who is classified as "unaffiliated" may affiliate with a political party by completing the form and giving it to the election judge.

(2) An unaffiliated voter who affiliates with a political party as provided in Subsection (1)(b) may vote in that party's primary election ~~[on June 24, 2002]~~.

(3) This section is repealed ~~[July]~~ January 1, ~~[2002]~~ 2003.

Section 6. Section **20A-2-203.1** is enacted to read:

20A-2-203.1. Satellite location -- Registration by satellite registrar -- 2002 primary election only.

Notwithstanding Subsection 20A-2-203(2)(a)(i), for 2002 only, any person who meets the voter registration requirements may register to vote with a satellite registrar at any satellite location within the person's county of residence between 8 a.m. and 8 p.m. on August 28, 2002, and August 29, 2002 in counties holding a primary election.

Section 7. Section **20A-3-104.5** is amended to read:

20A-3-104.5. Voting -- Regular primary election.

(1) (a) Any registered voter desiring to vote at the regular primary election shall give his name, the name of the registered political party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the election judges.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

(c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

(2) (a) (i) When the voter is properly identified, the election judge in charge of the official register shall check the official register to determine:

(A) whether or not the person is registered to vote; and

(B) whether or not the person's party affiliation designation in the official register allows the voter to vote the ballot that the voter requested.

(ii) If the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

(b) (i) If the voter's name is not found on the official register and, if it is not unduly disruptive of the election process, the election judge shall attempt to contact the county clerk's office to request oral verification of the voter's registration.

(ii) If oral verification is received from the county clerk's office, the judge shall record the verification on the official register, determine the voter's party affiliation and the ballot that the voter is qualified to vote, and perform the other administrative steps required by Subsection (3).

(c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation

340 listed in the official register does not allow the voter to vote the ballot that the voter requested, the
341 election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that
342 the voter's party affiliation does allow the voter to vote.

343 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register
344 does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered
345 political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the
346 voter requests, the election judge shall ask the voter if the voter wishes to vote another registered
347 political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."

348 (B) If the voter wishes to vote another registered political party ballot that the unaffiliated
349 voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

350 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that
351 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter
352 may not vote.

353 (iii) For the primary election held [~~June 24~~] September 10, 2002, only:

354 (A) if the voter is listed in the official register as "unaffiliated," or if the official register
355 does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a registered
356 political party, the election judge shall ask the voter if the voter wishes to affiliate with a registered
357 political party, or remain "unaffiliated."

358 (B) If the voter wishes to affiliate with the registered political party whose ballot the voter
359 requested, the election judge shall direct the voter to complete the change of party affiliation form
360 and proceed as required by Subsection (3).

361 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered political
362 party ballot that the unaffiliated voter is authorized to vote, the election judge shall proceed as
363 required by Subsection (3).

364 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that
365 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter
366 may not vote.

367 (3) If the election judge determines that the voter is registered and eligible, under
368 Subsection (2), to vote the ballot that the voter requested:

369 (a) the election judge in charge of the official register shall:

370 (i) write the ballot number and the name of the registered political party whose ballot the

voter voted opposite the name of the voter in the official register; and

(ii) direct the voter to sign his name in the election column in the official register;

(b) another judge shall list the ballot number and voter's name in the pollbook; and

(c) the election judge having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) hand the voter the ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and

(iv) allow the voter to enter the voting booth.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Section 8. Section **20A-7-702.1** is enacted to read:

20A-7-702.1. Voter information pamphlet -- Form -- Contents -- Distribution -- 2002 only.

Notwithstanding Subsection 20A-7-702(3), for 2002 only, the lieutenant governor shall:

(1) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state not more than 40 nor less than five days before the day fixed by law for the election;

(2) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(3) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(4) ensure that the distribution of the voter information pamphlets is completed five days before the election.

Section 9. Section **20A-9-201.1** is enacted to read:

20A-9-201.1. Candidates for more than one office -- 2002 exception.

Notwithstanding Subsection 20A-9-201(2), for 2002 only:

(1) A person who has filed a declaration of candidacy to be a candidate for an office other than United States House of Representatives may, if a statute provides an additional period for filing a declaration of candidacy for United States House of Representatives:

(a) resign as a candidate for that other office; and

(b) file a declaration of candidacy for the United States House of Representatives.

(2) A person who has filed a declaration of candidacy to be a candidate for the United States House of Representatives may file a new declaration of candidacy to be a candidate for the United States House of Representatives in any congressional district, if a statute provides an additional period for filing a declaration of candidacy for United States House of Representatives.

Section 10. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) ~~[The]~~ (i) Except as provided in Subsection (1)(a)(ii), the fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

(ii) For 2002 only, the regular primary election date is September 10, 2002.

(b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.

(2) (a) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) declare their intent to participate in the primary election;

(ii) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and

(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year.

(b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

(ii) certify the name and office of each of its county candidates to the county clerks by 5 p.m. on May 13 of each even-numbered year.

(c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide or multicounty candidates that must be printed on the primary ballot.

(d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does not

wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

(ii) A registered political party's candidates for President and Vice-President of the United States shall be certified to the lieutenant governor as provided in Subsection 20A-9-202(4).

(e) Each political party shall certify the names of its presidential and vice-presidential candidates and presidential electors to the lieutenant governor's office by August 30 of each presidential election year.

(3) The county clerk shall:

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

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

(c) conduct a lottery to determine the order of the candidates' names on the ballot.

(4) After the county clerk receives the certified list from a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, [~~June~~] _____[:] (month) _____ (day), _____ (year), to nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

(5) (a) Candidates receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group for that office.

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

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

(b) When a tie vote occurs in any primary election for any county office, the district court

judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

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

Section 11. Section **20A-11-303.1** is enacted to read:

20A-11-303.1. Legislative office candidate -- Financial reporting requirements -- Interim reports -- 2002 election only.

Notwithstanding Subsection 20A-11-303(1), for 2002 only, each legislative office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

(1) seven days before any political convention if more than one individual in the candidate's same party has filed a declaration of candidacy for the particular public office that the candidate seeks;

(2) September 3, if the candidate is on the ballot in the primary election; and

(3) seven days before the regular general election date.

Section 12. Section **20A-11-305.1** is enacted to read:

20A-11-305.1. Legislative office candidate -- Failure to file report -- Name not printed on ballot -- Filling vacancy -- 2002 only.

Notwithstanding Subsection 20A-11-305(1)(a), for 2002 only, if a legislative office candidate fails to file an interim report due before the regular primary election or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely mailed, inform the county clerk and other appropriate election officials who:

(1) shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or

(2) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(3) may not count any votes for that candidate.

Section 13. Section **63-55b-120** is amended to read:

63-55b-120. Repeal dates, Title 20A.

(1) Section 20A-2-107.1 is repealed [~~July~~] January 1, [~~2002~~] 2003.

(2) Section 20A-1-201.6 is repealed January 1, 2003.

(3) Section 20A-1-501.1 is repealed January 1, 2003.

(4) Title 20A, Chapter 1, Part 8, Provisions Governing the 2002 Primary Election, is repealed January 1, 2003.

(5) Section 20A-2-203.1 is repealed January 1, 2003.

(6) Section 20A-7-702.1 is repealed January 1, 2003.

(7) Section 20A-9-201.1 is repealed January 1, 2003.

(8) Section 20A-11-303.1 is repealed January 1, 2003.

(9) Section 20A-11-305.1 is repealed January 1, 2003.

Section 14. **Effective date.**

(1) S.B. 36, Provisional Ballot, passed by the Legislature during the 2002 General Session, takes effect on October 1, 2002.

(2) If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitutional Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Legislative Review Note

as of 4-29-02 12:50 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel