

ELECTION LAW MODIFICATIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Douglas C. Aagard

LONG TITLE

General Description:

This bill modifies provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ consolidates provisions for calculating time when dates of interest fall on a Saturday, Sunday, or legal holiday;
- ▶ consolidates the date for the lieutenant governor's certification of candidates, ballot measures, and other matters to a single date;
- ▶ modifies the date for circulation of the voter information pamphlet to accommodate the early voting period;
- ▶ removes outdated ballot formatting requirements;
- ▶ provides alternative deadlines for submissions to the voter information pamphlet to accommodate voter information pamphlets issued for elections other than the regular general election;
- ▶ modifies language to clarify differences between a statewide voter information pamphlet and a local voter information pamphlet;
- ▶ modifies inaccurate references to reporting years for campaign finance reports;
- ▶ clarifies certain definitions; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **20A-1-401**, as last amended by Laws of Utah 1993, Chapter 228

34 **20A-2-102.5**, as last amended by Laws of Utah 2007, Chapter 285

35 **20A-2-201**, as last amended by Laws of Utah 2007, Chapter 285

36 **20A-3-404**, as last amended by Laws of Utah 2006, Chapter 264

37 **20A-4-101**, as last amended by Laws of Utah 2007, Chapter 75

38 **20A-4-306**, as last amended by Laws of Utah 2007, Chapter 75

39 **20A-5-409**, as last amended by Laws of Utah 2003, Chapter 77

40 **20A-6-301**, as last amended by Laws of Utah 2006, Chapter 326

41 **20A-6-303**, as last amended by Laws of Utah 2007, Chapter 198

42 **20A-6-304**, as last amended by Laws of Utah 2007, Chapter 198

43 **20A-7-103**, as last amended by Laws of Utah 2007, Chapter 238

44 **20A-7-209**, as last amended by Laws of Utah 2005, Chapter 236

45 **20A-7-503**, as last amended by Laws of Utah 2007, Chapter 78

46 **20A-7-701**, as last amended by Laws of Utah 1997, Chapter 215

47 **20A-7-702**, as last amended by Laws of Utah 2005, Chapter 236

48 **20A-7-703**, as enacted by Laws of Utah 1995, Chapter 1 and last amended by Laws of
49 Utah 1995, Chapter 153

50 **20A-7-705**, as last amended by Laws of Utah 1999, Chapter 116

51 **20A-7-706**, as last amended by Laws of Utah 2001, Chapter 65

52 **20A-9-201**, as last amended by Laws of Utah 2007, Chapters 83, and 97

53 **20A-9-202**, as last amended by Laws of Utah 2005, Chapter 71

54 **20A-9-203**, as last amended by Laws of Utah 2007, Chapters 83, 97, and 256

55 **20A-9-403**, as last amended by Laws of Utah 2006, Chapter 16

56 **20A-9-601**, as last amended by Laws of Utah 2006, Chapter 264

57 **20A-9-701**, as last amended by Laws of Utah 2007, Chapters 97, and 238

- 58 **20A-9-802**, as last amended by Laws of Utah 2006, Chapter 355
- 59 **20A-9-803**, as last amended by Laws of Utah 2007, Chapter 97
- 60 **20A-11-302**, as last amended by Laws of Utah 1997, Chapter 355
- 61 **20A-11-506**, as last amended by Laws of Utah 1997, Chapter 355
- 62 **20A-11-601**, as last amended by Laws of Utah 2006, Chapter 226
- 63 **20A-11-801**, as last amended by Laws of Utah 2006, Chapter 226
- 64 **20A-11-1202**, as last amended by Laws of Utah 2007, Chapter 329
- 65 **20A-11-1203**, as enacted by Laws of Utah 1995, Chapter 158
- 66 **20A-11-1302**, as enacted by Laws of Utah 1997, Chapter 355
- 67 **20A-12-201**, as last amended by Laws of Utah 2001, Chapter 308



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

70 Section 1. Section **20A-1-401** is amended to read:

71 **20A-1-401. Interpretation of election laws -- Computation of time.**

72 (1) Courts and election officers shall construe the provisions of Title 20A, Election
73 Code, liberally to carry out the intent of this title.

74 (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be
75 included in all computations of [time] days made under the provisions of Title 20A, Election
76 Code.

77 (3) Unless otherwise specifically provided for under this Title 20A:

78 (a) when computing any number of days before or after a specified date or event under
79 this Title 20A, the specified date or day of the event shall not be included in the count; and

80 (b) (i) if the commencement date of a time period preceding a specified date or event
81 falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;

82 (ii) if the last day of a time period following a specified date or event falls on a
83 Saturday, Sunday, or legal holiday, the time period shall be extended to the following business
84 day; and

85 (iii) if a deadline that falls before or after a specified date or event falls on a Saturday,

86 Sunday, or legal holiday, the deadline shall be considered to fall on the following business day.

87 Section 2. Section **20A-2-102.5** is amended to read:

88 **20A-2-102.5. Voter registration deadline.**

89 (1) Except as provided in Section 20A-2-201 and in Title 20A, Chapter 3, Part 4,
90 Voting by Members of the Military and by Other Persons Living or Serving Abroad, a person
91 who fails to submit a correctly completed voter registration form on or before the voter
92 registration deadline shall not be permitted to vote in the election.

93 (2) The voter registration deadline shall be the date that is 30 calendar days before the
94 date of the election.

95 [~~(3) If the voter registration deadline established in Subsection (2) falls on a weekend or~~
96 ~~holiday, it shall be extended to the next regular business day.]~~

97 Section 3. Section **20A-2-201** is amended to read:

98 **20A-2-201. Registering to vote at office of county clerk.**

99 (1) Except as provided in Subsection (3), the county clerk shall register to vote all
100 persons who present themselves for registration at the county clerk's office during designated
101 office hours if those persons, on voting day, will be legally qualified and entitled to vote in a
102 voting precinct in the county.

103 (2) If a registration form is submitted in person at the office of the county clerk during
104 the period beginning on the date after the voter registration deadline and ending on the date that
105 is 15 calendar days before the date of the election, the county clerk shall:

106 (a) accept registration forms from all persons who present themselves for registration at
107 the clerk's office during designated office hours if those persons, on voting day, will be legally
108 qualified and entitled to vote in a voting precinct in the county; and

109 (b) inform them that:

110 (i) they will be registered to vote in the pending election; and

111 (ii) for the pending election, they must vote on the day of the election and will not be
112 eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they
113 registered too late.

114 (3) ~~[Except as provided in Subsection (3), if]~~ If a registration form is submitted to the
115 county clerk on the date of the election or during the 14 calendar days before an election, the
116 county clerk shall:

117 (a) accept registration forms from all persons who present themselves for registration at
118 the clerk's office during designated office hours if those persons, on voting day, will be legally
119 qualified and entitled to vote in a voting precinct in the county; and

120 (b) inform them that they will be registered to vote but may not vote in the pending
121 election because they registered too late.

122 Section 4. Section **20A-3-404** is amended to read:

123 **20A-3-404. Special military write-in absentee ballots.**

124 (1) ~~[(a)]~~ Notwithstanding any other provisions of this chapter, a military voter may
125 apply for a special write-in absentee ballot not later than the date 20 days before the date of an
126 election.

127 ~~[(b) If the application deadline falls on a weekend or holiday, it shall be extended to the~~
128 ~~next regular business day.]~~

129 (2) To qualify for a special write-in absentee ballot, a military voter shall:

130 (a) apply for a special write-in absentee ballot by submitting a federal postcard
131 application form; and

132 (b) state on the form or on a separate paper submitted with the form that he is unable to
133 vote by regular absentee ballot or in person because of his military service.

134 (3) Upon receipt of the application, the county clerk shall issue and mail a special
135 military write-in ballot.

136 Section 5. Section **20A-4-101** is amended to read:

137 **20A-4-101. Counting paper ballots during election day.**

138 (1) Each county legislative body or municipal legislative body that has voting precincts
139 that use paper ballots and each poll worker in those voting precincts shall comply with the
140 requirements of this section.

141 (2) (a) Each county legislative body or municipal legislative body shall provide:

142 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
143 judges have been appointed; and

144 (ii) a counting room for the use of the poll workers counting the ballots during the day.

145 (b) At any election in any voting precinct in which both receiving and counting judges
146 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

147 (i) close the first ballot box and deliver it to the counting judges; and

148 (ii) prepare and use another ballot box to receive voted ballots.

149 (c) Upon receipt of the ballot box, the counting judges shall:

150 (i) take the ballot box to the counting room;

151 (ii) count the votes on the regular ballots in the ballot box;

152 (iii) place the provisional ballot envelopes in the envelope or container provided for
153 them for return to the election officer; and

154 (iv) when they have finished counting the votes in the ballot box, return the emptied box
155 to the receiving judges.

156 (d) (i) During the course of election day, whenever there are at least 20 ballots
157 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
158 judges for counting; and

159 (ii) the counting judges shall immediately count the regular ballots and segregate the
160 provisional ballots contained in that box.

161 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
162 until the polls close.

163 (3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe
164 the count.

165 (4) The counting judges shall apply the standards and requirements of Section
166 [~~20A-4-104~~] 20A-4-105 to resolve any questions that arise as they count the ballots.

167 Section 6. Section **20A-4-306** is amended to read:

168 **20A-4-306. Statewide canvass.**

169 (1) (a) The state board of canvassers shall convene:

- 170 (i) on the fourth Monday of November, at noon; or
171 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
172 returns of a statewide special election.
- 173 (b) The state auditor, the state treasurer, and the attorney general are the state board of
174 canvassers.
- 175 (c) Attendance of all members of the state board of canvassers shall be required to
176 constitute a quorum for conducting the canvass.
- 177 (2) (a) The state board of canvassers shall:
- 178 (i) meet in the lieutenant governor's office; and
179 (ii) compute and determine the vote for officers and for and against any ballot
180 propositions voted upon by the voters of the entire state or of two or more counties.
- 181 (b) The lieutenant governor, as secretary of the board shall file a report in his office that
182 details:
- 183 (i) for each statewide officer and ballot proposition:
- 184 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
185 (B) the candidates for each statewide office whose names appeared on the ballot, plus
186 any recorded write-in candidates;
- 187 (C) the number of votes from each county cast for each candidate and for and against
188 each ballot proposition;
- 189 (D) the total number of votes cast statewide for each candidate and for and against each
190 ballot proposition; and
- 191 (E) the total number of votes cast statewide; and
- 192 (ii) for each officer or ballot proposition voted on in two or more counties:
- 193 (A) the name of each of those offices and ballot propositions that appeared on the
194 ballot;
- 195 (B) the candidates for those offices, plus any recorded write-in candidates;
- 196 (C) the number of votes from each county cast for each candidate and for and against
197 each ballot proposition; and

198 (D) the total number of votes cast for each candidate and for and against each ballot
199 proposition.

200 (c) The lieutenant governor shall:

201 (i) prepare certificates of election for:

202 (A) each successful candidate; and

203 (B) each of the presidential electors of the candidate for president who received a
204 majority of the votes;

205 (ii) authenticate each certificate with his seal; and

206 (iii) deliver a certificate of election to:

207 (A) each candidate who had the highest number of votes for each office; and

208 (B) each of the presidential electors of the candidate for president who received a
209 majority of the votes.

210 (3) If the lieutenant governor has not received election returns from all counties on the
211 fifth day before the day designated for the meeting of the state board of canvassers, the
212 lieutenant governor shall:

213 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
214 county;

215 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
216 required by Section 20A-4-304 from the clerk; and

217 (c) pay the messenger the per diem provided by law as compensation.

218 (4) The state board of canvassers may not withhold the declaration of the result or any
219 certificate of election because of any defect or informality in the returns of any election if the
220 board can determine from the returns, with reasonable certainty, what office is intended and
221 who is elected to it.

222 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
223 governor shall:

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

226 (ii) publish and file the results of the canvass in the lieutenant governor's office.
 227 (b) The lieutenant governor shall certify the results of the primary canvass to the county
 228 clerks not later than the August 1 after the primary election.

229 (6) (a) At noon on the Tuesday that falls two weeks after the Western States
 230 Presidential Primary election, the lieutenant governor shall:

- 231 (i) canvass the returns; and
- 232 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 233 (b) The lieutenant governor shall certify the results of the Western States Presidential
 234 Primary canvass to each registered political party that participated in the primary not later than
 235 the April 15 after the primary election[, or the following business day if April 15 falls on a
 236 Saturday, Sunday, or a holiday].

237 Section 7. Section **20A-5-409** is amended to read:

238 **20A-5-409. Certification of candidates to county clerks.**

239 [By] No later than September [3] 8 of each regular general election year, the lieutenant
 240 governor shall certify to each county clerk the name of each candidate qualified to be printed on
 241 the regular general election ballot for that county clerk's county.

242 Section 8. Section **20A-6-301** is amended to read:

243 **20A-6-301. Paper ballots -- Regular general election.**

- 244 (1) Each election officer shall ensure that:
 - 245 (a) all paper ballots furnished for use at the regular general election contain no captions
 246 or other endorsements except as provided in this section;
 - 247 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
 248 top of the ballot, and divided from the rest of ballot by a perforated line;
 - 249 (ii) the ballot number and the words " Poll Worker's Initial ____ " are printed on the
 250 stub; and
 - 251 (iii) ballot stubs are numbered consecutively;
 - 252 (c) immediately below the perforated ballot stub, the following endorsements are
 253 printed in 18-point bold type:

- 254 (i) "Official Ballot for ____ County, Utah";
- 255 (ii) the date of the election; and
- 256 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 257 (d) each ticket is placed in a separate column on the ballot in the order determined by
- 258 the election officer with the party emblem, followed by the party name, at the head of the
- 259 column;
- 260 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;
- 261 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and
- 262 the top of the circle is placed not less than two inches below the perforated line;
- 263 (g) unaffiliated candidates and candidates not affiliated with a registered political party
- 264 are listed in one column, without a party circle, with the following instructions printed at the
- 265 head of the column: "All candidates not affiliated with a political party are listed below. They
- 266 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
- 267 for each office.";
- 268 (h) the columns containing the lists of candidates, including the party name and device,
- 269 are separated by heavy parallel lines;
- 270 (i) the offices to be filled are plainly printed immediately above the names of the
- 271 candidates for those offices;
- 272 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
- 273 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
- 274 an inch apart;
- 275 (k) a square with sides measuring not less than 1/4 of an inch in length is printed at the
- 276 right of the name of each candidate;
- 277 (l) for the offices of president and vice president and governor and lieutenant governor,
- 278 one square with sides measuring not less than 1/4 of an inch in length is printed opposite a
- 279 double bracket enclosing the right side of the names of the two candidates;
- 280 (m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a
- 281 write-in column long enough to contain as many written names of candidates as there are

282 persons to be elected with:

283 (i) for each office on the ballot, the office to be filled plainly printed immediately above:

284 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a square
285 with sides measuring not less than 1/4 of an inch in length printed at the right of the blank
286 horizontal line; or

287 (B) for the offices of president and vice president and governor and lieutenant
288 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
289 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
290 length printed opposite a double bracket enclosing the right side of the two blank horizontal
291 lines; and

292 (ii) the words "Write-In Voting Column" printed at the head of the column without a
293 1/2 inch circle;

294 (n) when required, the ballot includes a nonpartisan ticket placed immediately to the
295 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid
296 rule running vertically the full length of the nonpartisan ballot copy; and

297 (o) constitutional amendments or other questions submitted to the vote of the people,
298 are printed on the ballot after the list of candidates.

299 (2) Each election officer shall ensure that:

300 (a) each person nominated by any political party or group of petitioners is placed on the
301 ballot:

302 (i) under the party name and emblem, if any; or

303 (ii) under the title of the party or group as designated by them in their certificates of
304 nomination or petition, or, if none is designated, then under some suitable title;

305 (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter
306 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

307 (c) the names of the candidates for president and vice president are used on the ballot
308 instead of the names of the presidential electors; and

309 (d) the ballots contain no other names.

310 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

311 (a) the designation of the office to be filled in the election and the number of candidates
312 to be elected are printed in type not smaller than eight-point;

313 (b) the words designating the office are printed flush with the left-hand margin;

314 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
315 the column;

316 (d) the nonpartisan candidates are grouped according to the office for which they are
317 candidates;

318 (e) the names in each group are placed in alphabetical order with the surnames last,
319 except for candidates for the State Board of Education and local school boards;

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

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

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

328 (i) each group is preceded by the designation of the office for which the candidates seek
329 election, and the words, "Vote for one" or "Vote for two or more," according to the number to
330 be elected.

331 (4) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

356 (i) bond propositions that have qualified for the ballot are listed on the ballot under the
357 title assigned to each bond proposition under Section 11-14-206.

358 Section 9. Section **20A-6-303** is amended to read:

359 **20A-6-303. Regular general election -- Ballot sheets.**

360 (1) Each election officer shall ensure that:

361 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
362 approximately the same order as paper ballots;

363 (b) the titles of offices and the names of candidates are printed in vertical columns or in
364 a series of separate pages;

365 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to

366 include, after the list of candidates:

367 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

368 (ii) any ballot propositions submitted to the voters for their approval or rejection;

369 (d) (i) a voting square or position is included where the voter may record a straight

370 party ticket vote for all the candidates of one party by one mark or punch; and

371 (ii) the name of each political party listed in the straight party selection area includes the

372 word "party" at the end of the party's name;

373 (e) the tickets are printed in the order determined by the county clerk;

374 (f) the office titles are printed above or at the side of the names of candidates so as to

375 indicate clearly the candidates for each office and the number to be elected;

376 (g) the party designation of each candidate is printed to the right or below the

377 candidate's name; and

378 (h) (i) if possible, all candidates for one office are grouped in one column or upon one

379 page;

380 (ii) if all candidates for one office cannot be listed in one column or grouped on one

381 page:

382 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of

383 candidates is continued on the following column or page; and

384 (B) approximately the same number of names shall be printed in each column or on

385 each page[; and].

386 [~~(i) arrows shall be used to indicate the place to vote for each candidate and on each~~

387 ~~measure.~~]

388 (2) Each election officer shall ensure that:

389 (a) proposed amendments to the Utah Constitution are listed under the heading

390 "Constitutional Amendment Number ___" with the number of the constitutional amendment as

391 assigned under Section 20A-7-103 placed in the blank;

392 (b) propositions submitted to the voters by the Utah Legislature are listed under the

393 heading "State Proposition Number ___" with the number of the state proposition as assigned

394 under Section 20A-7-103 placed in the blank;

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

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

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

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

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

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

413 (i) bond propositions that have qualified for the ballot are listed under the title assigned
414 to each bond proposition under Section 11-14-206.

415 Section 10. Section **20A-6-304** is amended to read:

416 **20A-6-304. Regular general election -- Electronic ballots.**

417 (1) Each election officer shall ensure that:

418 (a) the format and content of the electronic ballot is arranged in approximately the same
419 order as paper ballots;

420 (b) the titles of offices and the names of candidates are displayed in vertical columns or
421 in a series of separate display screens;

- 422 (c) the electronic ballot is of sufficient length to include, after the list of candidates:
423 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
424 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 425 (d) (i) a voting square or position is included where the voter may record a straight
426 party ticket vote for all the candidates of one party by making a single selection; and
427 (ii) the name of each political party listed in the straight party selection area includes the
428 word "party" at the end of the party's name;
- 429 (e) the tickets are displayed in the order determined by the county clerk;
- 430 (f) the office titles are displayed above or at the side of the names of candidates so as to
431 indicate clearly the candidates for each office and the number to be elected;
- 432 (g) the party designation of each candidate is displayed adjacent to the candidate's
433 name; and
- 434 (h) if possible, all candidates for one office are grouped in one column or upon one
435 display screen.
- 436 (2) Each election officer shall ensure that:
- 437 (a) proposed amendments to the Utah Constitution are displayed under the heading
438 "Constitutional Amendment Number ___" with the number of the constitutional amendment as
439 assigned under Section 20A-7-103 placed in the blank;
- 440 (b) propositions submitted to the voters by the Utah Legislature are displayed under the
441 heading "State Proposition Number ___" with the number of the state proposition as assigned
442 under Section 20A-7-103 placed in the blank;
- 443 (c) propositions submitted to the voters by a county are displayed under the heading
444 "County Proposition Number ___" with the number of the county proposition as assigned by the
445 county legislative body placed in the blank;
- 446 (d) propositions submitted to the voters by a school district are displayed under the
447 heading "School District Proposition Number ___" with the number of the school district
448 proposition as assigned by the county legislative body placed in the blank;
- 449 (e) state initiatives that have qualified for the ballot are displayed under the heading

450 "Citizen's State Initiative Number ___" with the number of the state initiative as assigned under
451 Section 20A-7-209 placed in the blank;

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

455 (g) state referenda that have qualified for the ballot are displayed under the heading
456 "Citizen's State Referendum Number ___" with the number of the state referendum as assigned
457 under [~~Sections 20A-7-209 and~~] Section 20A-7-308 placed in the blank;

458 (h) county referenda that have qualified for the ballot are displayed under the heading
459 "Citizen's County Referendum Number ___" with the number of the county referendum as
460 assigned under Section 20A-7-608 placed in the blank; and

461 (i) bond propositions that have qualified for the ballot are displayed under the title
462 assigned to each bond proposition under Section 11-14-206.

463 Section 11. Section **20A-7-103** is amended to read:

464 **20A-7-103. Constitutional amendments and other questions -- Procedures for**
465 **submission to popular vote.**

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

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

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

470 (2) In addition to the publication in the voter information pamphlet required by Section
471 20A-7-702, the lieutenant governor shall, not more than 60 days or less than [~~ten~~] 14 days
472 before the [~~regular general~~] date of the election, publish the full text of the amendment,
473 question, or statute in at least one newspaper in every county of the state where a newspaper is
474 published.

475 (3) The legislative general counsel shall:

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

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

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

481 (d) draft and designate a ballot title that summarizes the subject matter of the
482 amendment or question; and

483 (e) deliver [~~them~~] each number and title to the lieutenant governor.

484 (4) The lieutenant governor shall certify the number and ballot title of each amendment
485 or question to the county clerk of each county no later than [~~September 1 of each regular~~
486 ~~general election year~~] 50 days before the date of the election.

487 (5) The county clerk of each county shall:

488 (a) ensure that both the number and title of the amendment, question, or referendum is
489 printed on the sample ballots and official ballots; and

490 (b) publish them as provided by law.

491 Section 12. Section **20A-7-209** is amended to read:

492 **20A-7-209. Ballot title -- Duties of lieutenant governor and Office of Legislative**
493 **Research and General Counsel.**

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

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

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

500 (ii) prepare an impartial ballot title for each initiative summarizing the contents of the
501 measure; and

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

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

505 (c) For each state initiative, the official ballot shall show:

506 (i) the number of the initiative as determined by the Office of Legislative Research and
507 General Counsel;

508 (ii) the ballot title as determined by the Office of Legislative Research and General
509 Counsel; and

510 (iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5.

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

513 (4) (a) (i) At least three of the sponsors of the petition may, by July 30, challenge the
514 wording of the ballot title prepared by the Office of Legislative Research and General Counsel
515 to the Supreme Court.

516 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
517 to send notice of the appeal to:

518 (A) any person or group that has filed an argument for or against the measure that is the
519 subject of the challenge; or

520 (B) any political issues committee established under Section 20A-11-801 that has filed
521 written or electronic notice with the lieutenant governor that identifies the name, mailing or
522 email address, and telephone number of the person designated to receive notice about any issues
523 relating to the initiative.

524 (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative
525 Research and General Counsel is an impartial summary of the contents of the initiative.

526 (ii) The Supreme Court may not revise the wording of the ballot title unless the
527 plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is
528 patently false or biased.

529 (c) The Supreme Court shall:

530 (i) examine the ballot title;

531 (ii) hear arguments; and

532 (iii) by August 10, certify to the lieutenant governor a ballot title for the measure that
533 meets the requirements of this section.

534 (d) [~~By September 1, the~~] The lieutenant governor shall, no later than September 8,
535 certify the title verified by the Supreme Court to the county clerks to be printed on the official
536 ballot.

537 Section 13. Section **20A-7-503** is amended to read:

538 **20A-7-503. Form of initiative petitions and signature sheets.**

539 (1) (a) Each proposed initiative petition shall be printed in substantially the following
540 form:

541 "INITIATIVE PETITION To the Honorable _____, County Clerk/City Recorder/Town
542 Clerk:

543 We, the undersigned citizens of Utah, respectfully demand that the following proposed
544 law be submitted to: the legislative body for its approval or rejection at its next meeting; and the
545 legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no
546 action on it.

547 Each signer says:

548 I have personally signed this petition;

549 I am registered to vote in Utah or intend to become registered to vote in Utah before the
550 certification of the petition names by the county clerk; and

551 My residence and post office address are written correctly after my name."

552 (b) The sponsors of an initiative shall attach a copy of the proposed law to each
553 initiative petition.

554 (2) Each signature sheet shall:

555 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

556 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
557 blank for the purpose of binding;

558 (c) contain the title of the initiative printed below the horizontal line;

559 (d) contain the initial fiscal impact estimate's summary statement issued by the budget
560 officer according to Subsection 20A-7-502.5(2)(b) printed or typed in not less than 12-point,
561 bold type, at the top of each signature sheet under the title of the initiative;

562 (e) contain the word "Warning" printed or typed at the top of each signature sheet
563 under the initial fiscal impact estimate's summary statement;

564 (f) contain, to the right of the word "Warning," the following statement printed or typed
565 in not less than eight-point, single leaded type:

566 "It is a class A misdemeanor for anyone to sign any initiative petition with any other
567 name than his own, or knowingly to sign his name more than once for the same measure, or to
568 sign an initiative petition when he knows he is not a registered voter and knows that he does not
569 intend to become registered to vote before the certification of the petition names by the county
570 clerk.";

571 (g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement
572 required by this section;

573 (h) be vertically divided into columns as follows:

574 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
575 headed with "For Office Use Only", and be subdivided with a light vertical line down the middle
576 with the left subdivision entitled "Registered" and the right subdivision left untitled;

577 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
578 Name (must be legible to be counted)";

579 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered
580 Voter";

581 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

582 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
583 Code"; and

584 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
585 information is not required, but it may be used to verify your identity with voter registration
586 records. If you choose not to provide it, your signature may not be verified as a valid signature
587 if you change your address before petition signatures are verified or if the information you
588 provide does not match your voter registration records."; and

589 (i) contain the following statement, printed or typed upon the back of each sheet:

590 "Verification
 591 State of Utah, County of ____
 592 I, _____, of _____, hereby state that:
 593 I am a resident of Utah and am at least 18 years old;

594 All the names that appear on this sheet were signed by persons who professed to be the
 595 persons whose names appear in it, and each of them signed his name on it in my presence;

596 I believe that each has printed and signed his name and written his post office address
 597 and residence correctly, and that each signer is registered to vote in Utah or intends to become
 598 registered to vote before the certification of the petition names by the county clerk.

599 _____"

600 (3) The forms prescribed in this section are not mandatory, and, if substantially
 601 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical
 602 errors.

603 Section 14. Section **20A-7-701** is amended to read:

604 **20A-7-701. Voter information pamphlet to be prepared.**

605 (1) The lieutenant governor shall cause to be printed a voter information pamphlet
 606 designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the
 607 supporting and opposing arguments of any measure submitted to the voters by the Legislature
 608 or by a statewide initiative or referendum petition.

609 (2) The pamphlet shall also include a separate section prepared, analyzed, and submitted
 610 by the Judicial Council describing the judicial selection and retention process.

611 (3) The lieutenant governor shall cause to be printed as many voter information
 612 pamphlets as needed to comply with the provisions of this chapter.

613 (4) Voter information pamphlets prepared in association with a local initiative or a local
 614 referendum shall be prepared in accordance with the procedures and requirements of Section
 615 20A-7-402.

616 Section 15. Section **20A-7-702** is amended to read:

617 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

618 (1) The lieutenant governor shall ensure that all information submitted for publication in
619 the voter information pamphlet is:

- 620 (a) printed and bound in a single pamphlet;
- 621 (b) printed in clear readable type, no less than ten-point, except that the text of any
622 measure may be set forth in eight-point type; and
- 623 (c) printed on a quality and weight of paper that best serves the voters.

624 (2) The voter information pamphlet shall contain the following items in this order:

- 625 (a) a cover title page;
- 626 (b) an introduction to the pamphlet by the lieutenant governor;
- 627 (c) a table of contents;
- 628 (d) a list of all candidates for constitutional offices;
- 629 (e) a list of candidates for each legislative district;
- 630 (f) a 100-word statement of qualifications for each candidate for the office of governor,

631 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
632 candidate to the lieutenant governor's office before ~~[July 15 at]~~ 5 p.m. on the date that falls 105
633 days before the date of the election;

634 (g) information pertaining to all measures to be submitted to the voters, beginning a
635 new page for each measure and containing, in the following order for each measure:

- 636 (i) a copy of the number and ballot title of the measure;
- 637 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
638 the Legislature or by referendum;
- 639 (iii) the impartial analysis of the measure prepared by the Office of Legislative Research
640 and General Counsel;

641 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
642 measure, the arguments against the measure, and the rebuttal to the arguments against the
643 measure, with the name and title of the authors at the end of each argument or rebuttal;

644 (v) for each constitutional amendment, a complete copy of the text of the constitutional
645 amendment, with all new language underlined, and all deleted language placed within brackets;

646 and

647 (vi) for each initiative qualified for the ballot, a copy of the measure as certified by the
648 lieutenant governor and a copy of the fiscal impact estimate prepared according to Section
649 20A-7-202.5;

650 (h) a description provided by the Judicial Council of the selection and retention process
651 for judges, including, in the following order:

652 (i) a description of the judicial selection process;

653 (ii) a description of the judicial performance evaluation process;

654 (iii) a description of the judicial retention election process;

655 (iv) a list of the criteria and minimum standards of judicial performance evaluation;

656 (v) the names of the judges standing for retention election; and

657 (vi) for each judge:

658 (A) the counties in which the judge is subject to retention election;

659 (B) a short biography of professional qualifications and a recent photograph;

660 (C) for each standard of performance, a statement identifying whether or not the judge
661 met the standard and, if not, the manner in which the judge failed to meet the standard;

662 (D) a statement provided by the Utah Supreme Court identifying the cumulative number
663 of informal reprimands, when consented to by the judge in accordance with Subsection
664 78-8-107(2), formal reprimands, and all orders of censure and suspension issued by the Utah
665 Supreme Court under Utah Constitution Article VIII, Section 13 during the judge's current term
666 and the immediately preceding term, and a detailed summary of the supporting reasons for each
667 violation of the Code of Judicial Conduct that the judge has received; and

668 (E) a statement identifying whether or not the judge was certified by the Judicial
669 Council;

670 (vii) (A) except as provided in Subsection (2)(h)(vii)(B), for each judge, in graphic
671 format, the responses for each attorney, jury, and other survey question used by the Judicial
672 Council for certification of judges, displayed in 1% increments;

673 (B) notwithstanding Subsection (2)(h)(vii)(A), if the sample size for the survey for a

674 particular judge is too small to provide statistically reliable information in 1% increments, the
675 survey results for that judge shall be reported as being above or below 70% and a statement by
676 the surveyor explaining why the survey is statistically unreliable shall also be included;

677 (i) an explanation of ballot marking procedures prepared by the lieutenant governor,
678 indicating the ballot marking procedure used by each county and explaining how to mark the
679 ballot for each procedure;

680 (j) voter registration information, including information on how to obtain an absentee
681 ballot;

682 (k) a list of all county clerks' offices and phone numbers; and

683 (l) on the back cover page, a printed copy of the following statement signed by the
684 lieutenant governor:

685 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
686 measures contained in this pamphlet will be submitted to the voters of Utah at the election to be
687 held throughout the state on ____ (date of election), and that this pamphlet is complete and
688 correct according to law. SEAL

689 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
690 of ____ (month), ____ (year)

691 (signed) _____
692 Lieutenant Governor"

693 (3) The lieutenant governor shall:

694 (a) ensure that one copy of the voter information pamphlet is placed in one issue of
695 every newspaper of general circulation in the state not more than 40 nor less than 15 days
696 before the day fixed by law for the election;

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

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

701 (d) ensure that the distribution of the voter information pamphlets is completed 15 days

702 before the election.

703 Section 16. Section **20A-7-703** is amended to read:

704 **20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

705 (1) The director of the Office of Legislative Research and General Counsel, after the
706 approval of the legislative general counsel as to legal sufficiency, shall:

707 (a) prepare an impartial analysis of each measure submitted to the voters by the
708 Legislature or by initiative or referendum petition; and

709 (b) submit the impartial analysis to the lieutenant governor no later than [~~August 20 of~~
710 ~~the year~~] the day that falls 75 days before the date of the election in which the measure will
711 appear on the ballot.

712 (2) The director shall ensure that the impartial analysis:

713 (a) is not more than 1,000 words long;

714 (b) is prepared in clear and concise language that will easily be understood by the
715 average voter;

716 (c) avoids the use of technical terms as much as possible;

717 (d) shows the effect of the measure on existing law;

718 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
719 by the measure;

720 (f) fairly describes the operation of the measure;

721 (g) identifies the measure's fiscal effects for the first full year of implementation and the
722 first year when the last provisions to be implemented are fully effective; and

723 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
724 government.

725 (3) The director shall analyze the measure as it is proposed to be adopted without
726 considering any implementing legislation, unless the implementing legislation has been enacted
727 and will become effective upon the adoption of the measure by the voters.

728 (4) (a) In determining the fiscal effects of a measure, the director shall confer with the
729 legislative fiscal analyst.

730 (b) The director shall consider any measure that requires implementing legislation in
731 order to take effect to have no financial effect, unless implementing legislation has been enacted
732 that will become effective upon adoption of the measure by the voters.

733 (5) If the director requests the assistance of any state department, agency, or official in
734 preparing his analysis, that department, agency, or official shall assist the director.

735 Section 17. Section **20A-7-705** is amended to read:

736 **20A-7-705. Measures to be submitted to voters and referendum measures --**
737 **Preparation of argument of adoption.**

738 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act
739 of the Legislature is referred to the voters by referendum petition, the presiding officer of the
740 house of origin of the measure shall appoint the sponsor of the measure or act and one member
741 of either house who voted with the majority to pass the act or submit the measure to draft an
742 argument for the adoption of the measure.

743 (b) (i) The argument may not exceed 500 words in length.

744 (ii) If the sponsor of the measure or act desires separate arguments to be written in
745 favor by each person appointed, separate arguments may be written but the combined length of
746 the two arguments may not exceed 500 words.

747 (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum
748 petition was not adopted unanimously by the Legislature, the presiding officer of each house
749 shall, at the same time as appointments to an argument in its favor are made, appoint one
750 member who voted against the measure or act from their house to write an argument against the
751 measure or act.

752 (b) (i) The argument may not exceed 500 words.

753 (ii) If those members appointed to write an argument against the measure or act desire
754 separate arguments to be written in opposition to the measure or act by each person appointed,
755 separate arguments may be written, but the combined length of the two arguments may not
756 exceed 500 words.

757 (3) (a) The legislators appointed by the presiding officer of the Senate or House of

758 Representatives to submit arguments shall submit them to the lieutenant governor not later than
759 ~~[June 1]~~ the day that falls 150 days before the date of the election.

760 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
761 arguments after they are submitted to the lieutenant governor.

762 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
763 arguments in any way.

764 (d) The lieutenant governor and the authors of an argument may jointly modify an
765 argument after it is submitted if:

766 (i) they jointly agree that changes to the argument must be made to correct spelling or
767 grammatical errors; and

768 (ii) the argument has not yet been submitted for typesetting.

769 (4) (a) If an argument for or an argument against a measure submitted to the voters by
770 the Legislature or by referendum petition has not been filed by a member of the Legislature
771 within the time required by this section, any voter may request the presiding officer of the house
772 in which the measure originated for permission to prepare and file an argument for the side on
773 which no argument has been prepared by a member of the Legislature.

774 (b) (i) The presiding officer of the house of origin shall grant permission unless two or
775 more voters request permission to submit arguments on the same side of a measure.

776 (ii) If two or more voters request permission to submit arguments on the same side of a
777 measure, the presiding officer shall designate one of the voters to write the argument.

778 (c) Any argument prepared under this subsection shall be submitted to the lieutenant
779 governor not later than ~~[June 15]~~ the day that falls 135 days before the date of the election.

780 (d) The lieutenant governor may not accept a ballot argument submitted under this
781 section unless it is accompanied by:

782 (i) the name and address of the person submitting it, if it is submitted by an individual
783 voter; or

784 (ii) the name and address of the organization and the names and addresses of at least
785 two of its principal officers, if it is submitted on behalf of an organization.

786 (e) Except as provided in Subsection (4)(g), the authors may not amend or change the
787 arguments after they are submitted to the lieutenant governor.

788 (f) Except as provided in Subsection (4)(g), the lieutenant governor may not alter the
789 arguments in any way.

790 (g) The lieutenant governor and the authors of an argument may jointly modify an
791 argument after it is submitted if:

792 (i) they jointly agree that changes to the argument must be made to correct spelling or
793 grammatical errors; and

794 (ii) the argument has not yet been submitted for typesetting.

795 Section 18. Section **20A-7-706** is amended to read:

796 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**
797 **arguments.**

798 (1) When the lieutenant governor has received the arguments for and against a measure
799 to be submitted to the voters, the lieutenant governor shall immediately send copies of the
800 arguments in favor of the measure to the authors of the arguments against and copies of the
801 arguments against to the authors of the arguments in favor.

802 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.

803 (3) (a) The rebuttal arguments must be filed with the lieutenant governor:

804 (i) for constitutional amendments and referendum petitions, not later than ~~[June 30]~~ the
805 day that falls 120 days before the date of the election; and

806 (ii) for initiatives, not later than August 30.

807 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
808 rebuttal arguments after they are submitted to the lieutenant governor.

809 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
810 arguments in any way.

811 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a
812 rebuttal argument after it is submitted if:

813 (i) they jointly agree that changes to the rebuttal argument must be made to correct

814 spelling or grammatical errors; and

815 (ii) the rebuttal argument has not yet been submitted for typesetting.

816 (4) The lieutenant governor shall ensure that:

817 (a) rebuttal arguments are printed in the same manner as the direct arguments; and

818 (b) each rebuttal argument follows immediately after the direct argument which it seeks
819 to rebut.

820 Section 19. Section **20A-9-201** is amended to read:

821 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
822 **more than one political party prohibited with exceptions -- General filing and form**
823 **requirements.**

824 (1) Before filing a declaration of candidacy for election to any office, a person shall:

825 (a) be a United States citizen; and

826 (b) meet the legal requirements of that office.

827 (2) (a) Except as provided in Subsection (2)(b), a person may not:

828 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
829 Utah during any election year; or

830 (ii) appear on the ballot as the candidate of more than one political party.

831 (b) A person may file a declaration of candidacy for, or be a candidate for, President or
832 Vice President of the United States and another office, if the person resigns the person's
833 candidacy for the other office after the person is officially nominated for President or Vice
834 President of the United States.

835 ~~[(3) If the final date established for filing a declaration of candidacy is a Saturday or~~
836 ~~Sunday, the filing time shall be extended until 5 p.m. on the following business day.]~~

837 ~~[(4)]~~ (3) (a) (i) Except for presidential candidates, before the filing officer may accept
838 any declaration of candidacy, the filing officer shall:

839 (A) read to the prospective candidate the constitutional and statutory qualification
840 requirements for the office that the candidate is seeking; and

841 (B) require the candidate to state whether or not the candidate meets those

842 requirements.

843 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
844 county clerk shall ensure that the person filing that declaration of candidacy is:

845 (A) a United States citizen;

846 (B) an attorney licensed to practice law in Utah who is an active member in good
847 standing of the Utah State Bar;

848 (C) a registered voter in the county in which he is seeking office; and

849 (D) a current resident of the county in which he is seeking office and either has been a
850 resident of that county for at least one year or was appointed and is currently serving as county
851 attorney and became a resident of the county within 30 days after appointment to the office.

852 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
853 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
854 candidacy is:

855 (A) a United States citizen;

856 (B) an attorney licensed to practice law in Utah who is an active member in good
857 standing of the Utah State Bar;

858 (C) a registered voter in the prosecution district in which he is seeking office; and

859 (D) a current resident of the prosecution district in which he is seeking office and either
860 will have been a resident of that prosecution district for at least one year as of the date of the
861 election or was appointed and is currently serving as district attorney and became a resident of
862 the prosecution district within 30 days after receiving appointment to the office.

863 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
864 county clerk shall ensure that the person filing the declaration of candidacy:

865 (A) as of the date of filing:

866 (I) is a United States citizen;

867 (II) is a registered voter in the county in which the person seeks office;

868 (III) (Aa) has successfully met the standards and training requirements established for
869 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and

870 Certification Act; or

871 (Bb) has passed a certification examination as provided in Section 53-6-206; and

872 (IV) is qualified to be certified as a law enforcement officer, as defined in Section

873 53-13-103; and

874 (B) as of the date of the election, shall have been a resident of the county in which the
875 person seeks office for at least one year.

876 (b) If the prospective candidate states that he does not meet the qualification
877 requirements for the office, the filing officer may not accept the prospective candidate's
878 declaration of candidacy.

879 (c) If the candidate states that he meets the requirements of candidacy, the filing officer
880 shall:

881 (i) inform the candidate that the candidate's name will appear on the ballot as it is
882 written on the declaration of candidacy;

883 (ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
884 Electronic Voter Information Website Program and inform the candidate of the submission
885 deadline under Subsection 20A-7-801(4)(a);

886 (iii) provide the candidate with a copy of the pledge of fair campaign practices
887 described under Section 20A-9-206 and inform the candidate that:

888 (A) signing the pledge is voluntary; and

889 (B) signed pledges shall be filed with the filing officer;

890 (iv) accept the candidate's declaration of candidacy; and

891 (v) if the candidate has filed for a partisan office, provide a certified copy of the
892 declaration of candidacy to the chair of the county or state political party of which the candidate
893 is a member.

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

896 (i) accept the candidate's pledge; and

897 (ii) if the candidate has filed for a partisan office, provide a certified copy of the

898 candidate's pledge to the chair of the county or state political party of which the candidate is a
899 member.

900 ~~[(5)]~~ (4) Except for presidential candidates, the form of the declaration of candidacy
901 shall be substantially as follows:

902 "State of Utah, County of _____

903 I, _____, declare my intention of becoming a candidate for the office of _____
904 as a candidate for the _____ party. I do solemnly swear that: I can qualify to hold that office,
905 both legally and constitutionally, if selected; I reside at _____ in the City or Town of
906 _____, Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
907 campaigns and elections; and I will qualify for the office if elected to it. The mailing address
908 that I designate for receiving official election notices is _____.

909 _____

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

911 _____
Notary Public (or other officer qualified to administer oath.)"

912 ~~[(6)]~~ (5) (a) Except for presidential candidates, the fee for filing a declaration of
913 candidacy is:

914 (i) \$25 for candidates for the local school district board; and

915 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person
916 holding the office, but not less than \$5, for all other federal, state, and county offices.

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

919 (i) who is disqualified; or

920 (ii) who the filing officer determines has filed improperly.

921 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
922 from candidates.

923 (ii) The lieutenant governor shall:

924 (A) apportion to and pay to the county treasurers of the various counties all fees
925 received for filing of nomination certificates or acceptances; and

926 (B) ensure that each county receives that proportion of the total amount paid to the
927 lieutenant governor from the congressional district that the total vote of that county for all
928 candidates for representative in Congress bears to the total vote of all counties within the
929 congressional district for all candidates for representative in Congress.

930 (d) (i) Each person who is unable to pay the filing fee may file a declaration of
931 candidacy without payment upon a prima facie showing of impecuniosity as evidenced by an
932 affidavit of impecuniosity filed with the filing officer.

933 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in
934 substantially the following form:

935 "Affidavit of Impecuniosity

936 Individual Name

937 _____ Address _____

938 Phone Number _____

939 I, _____ (name), do solemnly [swear] [affirm] that, owing to my
940 poverty, I am unable to pay the filing fee required by law.

941 Date _____ Signature _____

942 Affiant

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

944 _____
945 (signature)

946 Name and Title of Officer Authorized to Administer Oath _____"

947 [~~7~~] (6) Any person who fails to file a declaration of candidacy or certificate of
948 nomination within the time provided in this chapter is ineligible for nomination to office.

949 [~~8~~] (7) A declaration of candidacy filed under this section may not be amended or
950 modified after the final date established for filing a declaration of candidacy.

951 Section 20. Section **20A-9-202** is amended to read:

952 **20A-9-202. Declarations of candidacy for regular general elections --**
953 **Requirements for candidates.**

954 (1) (a) Each person seeking to become a candidate for elective office for any county
955 office that is to be filled at the next regular general election shall:

956 (i) file a declaration of candidacy in person with the county clerk on or after March 7
957 and before 5 p.m. on the March 17 before the next regular general election; and

958 (ii) pay the filing fee.

959 (b) Each person intending to become a candidate for any legislative office or
960 multicounty office that is to be filled at the next regular general election shall:

961 (i) file a declaration of candidacy in person with either the lieutenant governor or the
962 county clerk in the candidate's county of residence on or after March 7 and before 5 p.m. on the
963 March 17 before the next regular general election; and

964 (ii) pay the filing fee.

965 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for
966 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
967 candidacy to the lieutenant governor within one working day after it is filed.

968 (ii) Each day during the filing period, each county clerk shall notify the lieutenant
969 governor electronically or by telephone of legislative candidates who have filed in their office.

970 (d) Each person seeking to become a candidate for elective office for any federal office
971 or constitutional office that is to be filled at the next regular general election shall:

972 (i) file a declaration of candidacy in person with the lieutenant governor on or after
973 March 7 and before 5 p.m. on the March 17 before the next regular general election; and

974 (ii) pay the filing fee.

975 (e) Each person seeking the office of lieutenant governor, the office of district attorney,
976 or the office of President or Vice President of the United States shall comply with the specific
977 declaration of candidacy requirements established by this section.

978 (2) (a) Each person intending to become a candidate for the office of district attorney
979 within a multicounty prosecution district that is to be filled at the next regular general election
980 shall:

981 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement

982 creating the prosecution district on or after March 7 and before 5 p.m. on the March 17 before
983 the next regular general election; and

984 (ii) pay the filing fee.

985 (b) The designated clerk shall provide to the county clerk of each county in the
986 prosecution district a certified copy of each declaration of candidacy filed for the office of
987 district attorney.

988 (3) (a) Within five working days of nomination, each lieutenant governor candidate
989 shall:

990 (i) file a declaration of candidacy with the lieutenant governor; and

991 (ii) pay the filing fee.

992 (b) (i) Any candidate for lieutenant governor who fails to file within five working days
993 is disqualified.

994 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to
995 replace the disqualified candidate.

996 (4) Each registered political party shall:

997 (a) certify the names of its candidates for President and Vice President of the United
998 States to the lieutenant governor [~~by~~] no later than September [~~3~~] 8; or

999 (b) provide written authorization for the lieutenant governor to accept the certification
1000 of candidates for President and Vice President of the United States from the national office of
1001 the registered political party.

1002 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1003 objection is filed with the clerk or lieutenant governor within five days after the last day for
1004 filing.

1005 (b) If an objection is made, the clerk or lieutenant governor shall:

1006 (i) mail or personally deliver notice of the objection to the affected candidate
1007 immediately; and

1008 (ii) decide any objection within 48 hours after it is filed.

1009 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the

1010 problem by amending the declaration or petition within three days after the objection is
1011 sustained or by filing a new declaration within three days after the objection is sustained.

1012 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1013 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1014 by a district court if prompt application is made to the court.

1015 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1016 of its discretion, agrees to review the lower court decision.

1017 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1018 filing a written affidavit with the clerk.

1019 Section 21. Section **20A-9-203** is amended to read:

1020 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1021 (1) (a) A person may become a candidate for any municipal office if the person is a
1022 registered voter and:

1023 (i) the person has resided within the municipality in which that person seeks to hold
1024 elective office for the 12 consecutive months immediately before the date of the election; or

1025 (ii) if the territory in which the person resides was annexed into the municipality, the
1026 person has resided within the annexed territory or the municipality for 12 months.

1027 (b) In addition to the requirements of Subsection (1)(a), candidates for a municipal
1028 council position under the council-mayor or council-manager alternative forms of municipal
1029 government shall, if elected from districts, be residents of the council district from which they
1030 are elected.

1031 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
1032 incompetent person, any person convicted of a felony, or any person convicted of treason or a
1033 crime against the elective franchise may not hold office in this state until the right to hold
1034 elective office is restored under Section 20A-2-101.5.

1035 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
1036 become a candidate for a municipal office shall:

1037 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during

1038 office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year; and

1039 (ii) pay the filing fee, if one is required by municipal ordinance.

1040 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
1041 persons registered to vote in the municipality on the January 1 of the municipal election year.

1042 (ii) A third, fourth, or fifth class city that used the convention system to nominate
1043 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
1044 process contained in this Subsection (2)(b) in the last municipal election or a town that used the
1045 convention system to nominate candidates in the last municipal election as authorized by
1046 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
1047 municipal election may, by ordinance, require, in lieu of the convention system, that candidates
1048 for municipal office file a nominating petition signed by a percentage of registered voters at the
1049 same time that the candidate files a declaration of candidacy.

1050 (iii) The ordinance shall specify the number of signatures that the candidate must obtain
1051 on the nominating petition in order to become a candidate for municipal office under this
1052 Subsection (2), but that number may not exceed 5% of registered voters.

1053 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1054 (i) filing a nomination petition with the city recorder or town clerk during office hours,
1055 but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

1056 (ii) paying the filing fee, if one is required by municipal ordinance.

1057 ~~[(d) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended~~
1058 ~~until 5 p.m. on the following regular business day.]~~

1059 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
1060 petition, the filing officer shall:

1061 (i) read to the prospective candidate or person filing the petition the constitutional and
1062 statutory qualification requirements for the office that the candidate is seeking; and

1063 (ii) require the candidate or person filing the petition to state whether or not the
1064 candidate meets those requirements.

1065 (b) If the prospective candidate does not meet the qualification requirements for the

1066 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1067 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1068 filing officer shall:

1069 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1070 written on the declaration of candidacy;

1071 (ii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1072 Electronic Voter Information Website Program and inform the candidate of the submission
1073 deadline under Subsection 20A-7-801(4)(a);

1074 (iii) provide the candidate with a copy of the pledge of fair campaign practices
1075 described under Section 20A-9-206 and inform the candidate that:

1076 (A) signing the pledge is voluntary; and

1077 (B) signed pledges shall be filed with the filing officer; and

1078 (iv) accept the declaration of candidacy or nomination petition.

1079 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
1080 shall:

1081 (i) accept the candidate's pledge; and

1082 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1083 candidate's pledge to the chair of the county or state political party of which the candidate is a
1084 member.

1085 (4) The declaration of candidacy shall substantially comply with the following form:

1086 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1087 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1088 registered voter; and that I am a candidate for the office of ____ (stating the term). I request
1089 that my name be printed upon the applicable official ballots. (Signed) _____

1090 Subscribed and sworn to (or affirmed) before me by ____ on this

1091 _____(month\day\year).

1092 (Signed) _____ (Clerk or other officer qualified to administer oath)"

1093 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that

1094 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
1095 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
1096 for municipal office by submitting a petition signed by:

- 1097 (i) 25 residents of the municipality who are at least 18 years old; or
- 1098 (ii) 20% of the residents of the municipality who are at least 18 years old.

1099 (b) (i) The petition shall substantially conform to the following form:

1100 "NOMINATION PETITION

1101 The undersigned residents of (name of municipality) being 18 years old or older
1102 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
1103 applicable)."

1104 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1105 persons signing the petition and their addresses and telephone numbers.

1106 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
1107 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
1108 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
1109 signed by the same percentage of registered voters in the municipality as required by the
1110 ordinance passed under authority of Subsection (2)(b).

1111 (b) (i) The petition shall substantially conform to the following form:

1112 "NOMINATION PETITION

1113 The undersigned residents of (name of municipality) being 18 years old or older
1114 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
1115 whichever is applicable)."

1116 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1117 persons signing the petition and their addresses and telephone numbers.

1118 (7) If the declaration of candidacy or nomination petition fails to state whether the
1119 nomination is for the two or four-year term, the clerk shall consider the nomination to be for the
1120 four-year term.

1121 (8) (a) The clerk shall verify with the county clerk that all candidates are registered

1122 voters.

1123 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1124 print the candidate's name on the ballot.

1125 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
1126 clerk shall:

1127 (a) cause the names of the candidates as they will appear on the ballot to be published in
1128 at least two successive publications of a newspaper with general circulation in the municipality;
1129 and

1130 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1131 the ballot.

1132 (10) A declaration of candidacy or nomination petition filed under this section may not
1133 be amended after the expiration of the period for filing a declaration of candidacy.

1134 (11) (a) A declaration of candidacy or nomination petition filed under this section is
1135 valid unless a written objection is filed with the clerk within five days after the last day for filing.

1136 (b) If an objection is made, the clerk shall:

1137 (i) mail or personally deliver notice of the objection to the affected candidate
1138 immediately; and

1139 (ii) decide any objection within 48 hours after it is filed.

1140 (c) If the clerk sustains the objection, the candidate may correct the problem by
1141 amending the declaration or petition within three days after the objection is sustained or by filing
1142 a new declaration within three days after the objection is sustained.

1143 (d) (i) The clerk's decision upon objections to form is final.

1144 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1145 prompt application is made to the district court.

1146 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1147 of its discretion, agrees to review the lower court decision.

1148 (12) Any person who filed a declaration of candidacy and was nominated, and any
1149 person who was nominated by a nomination petition, may, any time up to 23 days before the

1150 election, withdraw the nomination by filing a written affidavit with the clerk.

1151 Section 22. Section **20A-9-403** is amended to read:

1152 **20A-9-403. Regular primary elections.**

1153 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
1154 primary election day.

1155 (b) Each registered political party that chooses to use the primary election process to
1156 nominate some or all of its candidates shall comply with the requirements of this section.

1157 (2) (a) As a condition for using the state's election system, each registered political
1158 party that wishes to participate in the primary election shall:

1159 (i) declare their intent to participate in the primary election;

1160 (ii) identify one or more registered political parties whose members may vote for the
1161 registered political party's candidates and whether or not persons identified as unaffiliated with a
1162 political party may vote for the registered political party's candidates; and

1163 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1
1164 of each even-numbered year~~[-except that when March 1 is a Saturday or Sunday, the~~
1165 ~~certification deadline shall be extended until 5 p.m. on the following regular business day].~~

1166 (b) As a condition for using the state's election system, each registered political party
1167 that wishes to participate in the primary election shall:

1168 (i) certify the name and office of all of the registered political party's candidates to the
1169 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year~~[-except that~~
1170 ~~when May 13 is a Saturday or Sunday, the certification deadline shall be extended until 5 p.m.~~
1171 ~~on the following regular business day]; and~~

1172 (ii) certify the name and office of each of its county candidates to the county clerks by 5
1173 p.m. on May 13 of each even-numbered year~~[-except that when May 13 is a Saturday or~~
1174 ~~Sunday, the certification deadline shall be extended until 5 p.m. on the following regular~~
1175 ~~business day].~~

1176 (c) By 5 p.m. on May 16 of each even-numbered year, ~~[or by 5 p.m. on the following~~
1177 ~~regular business day if May 16 is a Saturday or Sunday,]~~ the lieutenant governor shall send the

1178 county clerks a certified list of the names of all statewide or multicounty candidates that must be
1179 printed on the primary ballot.

1180 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does not
1181 wish to participate in the primary election, it shall submit the names of its county candidates to
1182 the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on
1183 May 30 of each even-numbered year~~[, except that when May 30 is a Saturday or Sunday, the~~
1184 ~~submission deadline shall be extended until 5 p.m. on the following regular business day].~~

1185 (ii) A registered political party's candidates for President and Vice-President of the
1186 United States shall be certified to the lieutenant governor as provided in Subsection
1187 20A-9-202(4).

1188 (e) Each political party shall certify the names of its presidential and vice-presidential
1189 candidates and presidential electors to the lieutenant governor's office ~~[by~~ no later than
1190 September [3] 8 of each presidential election year~~[, or by the following regular business day if~~
1191 ~~September 3 is a Saturday or Sunday].~~

1192 (3) The county clerk shall:

1193 (a) review the declarations of candidacy filed by candidates for local boards of
1194 education to determine if more than two candidates have filed for the same seat;

1195 (b) place the names of all candidates who have filed a declaration of candidacy for a
1196 local board of education seat on the nonpartisan section of the ballot if more than two
1197 candidates have filed for the same seat; and

1198 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

1199 (4) After the county clerk receives the certified list from a registered political party, the
1200 county clerk shall post or publish a primary election notice in substantially the following form:

1201 "Notice is given that a primary election will be held Tuesday, June ____,
1202 ____ (year), to nominate party candidates for the parties and nonpartisan offices listed on
1203 the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7
1204 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

1205 (5) (a) Candidates receiving the highest number of votes cast for each office at the

1206 regular primary election are nominated by their party or nonpartisan group for that office.

1207 (b) If two or more candidates are to be elected to the office at the regular general
1208 election, those party candidates equal in number to positions to be filled who receive the highest
1209 number of votes at the regular primary election are the nominees of their party for those
1210 positions.

1211 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1212 office that represents more than one county, the governor, lieutenant governor, and attorney
1213 general shall, at a public meeting called by the governor and in the presence of the candidates
1214 involved, select the nominee by lot cast in whatever manner the governor determines.

1215 (b) When a tie vote occurs in any primary election for any county office, the district
1216 court judges of the district in which the county is located shall, at a public meeting called by the
1217 judges and in the presence of the candidates involved, select the nominee by lot cast in whatever
1218 manner the judges determine.

1219 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1220 primary election provided for by this section, and all expenses necessarily incurred in the
1221 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1222 county or state, in the same manner as for the regular general elections.

1223 Section 23. Section **20A-9-601** is amended to read:

1224 **20A-9-601. Qualifying as a write-in candidate.**

1225 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
1226 of candidacy with the appropriate filing officer not later than 30 days before the regular general
1227 election or municipal general election in which the person intends to be a write-in candidate.

1228 [~~(b) If the filing deadline falls on a weekend or holiday, it shall be extended to the next~~
1229 ~~regular business day.]~~

1230 [(c)] (b) (i) The filing officer shall:

1231 (A) read to the candidate the constitutional and statutory requirements for the office;

1232 and

1233 (B) ask the candidate whether or not the candidate meets the requirements.

1234 (ii) If the candidate cannot meet the requirements of office, the filing officer may not
1235 accept the write-in candidate's declaration of candidacy.

1236 (2) A write-in candidate in towns need not prequalify with the filing officer.

1237 (3) By November 1 of each regular general election year, the lieutenant governor shall
1238 certify to each county clerk the names of all write-in candidates who filed their declaration of
1239 candidacy with the lieutenant governor.

1240 Section 24. Section **20A-9-701** is amended to read:

1241 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1242 (1) [By] No later than September [†] 8 of each regular general election year, the
1243 lieutenant governor shall certify to each county clerk the names of each candidate, including
1244 candidates for president and vice president, certified by each registered political party as that
1245 party's nominees for offices to be voted upon at the regular general election in that county
1246 clerk's county.

1247 (2) The names shall be certified by the lieutenant governor and shall be displayed on the
1248 ballot as they are provided on the candidate's declaration of candidacy.

1249 Section 25. Section **20A-9-802** is amended to read:

1250 **20A-9-802. Western States Presidential Primary established -- Other ballot items**
1251 **prohibited.**

1252 (1) (a) Contingent upon legislative appropriation, there is established a Western States
1253 Presidential Primary election to be held on the first Tuesday in February in the year in which a
1254 presidential election will be held.

1255 (b) Except as otherwise specifically provided in this chapter, county clerks shall
1256 administer the Western States Presidential Primary according to the provisions of Title 20A,
1257 Election Code, including:

1258 (i) Title 20A, Chapter 1, General Provisions;

1259 (ii) Title 20A, Chapter 2, Voter Registration;

1260 (iii) Title 20A, Chapter 3, Voting;

1261 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

1262 (v) Title 20A, Chapter 5, Election Administration; and

1263 (vi) Title 20A, Chapter 6, Ballot Form.

1264 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western
1265 States Presidential Primary contains only the names of candidates for President of the United
1266 States who have qualified as provided in this part.

1267 (ii) The county clerks may not present any other items to the voters to be voted upon at
1268 this election.

1269 (2) Registered political parties, and candidates for President of the United States who
1270 are affiliated with a registered political party, may participate in the Western States Presidential
1271 Primary established by this part.

1272 (3) As a condition for using the state's election system, each registered political party
1273 wishing to participate in Utah's Western States Presidential Primary shall:

1274 (a) declare their intent to participate in the Western States Presidential Primary;

1275 (b) identify one or more registered political parties whose members may vote for the
1276 registered political party's candidates and whether or not persons identified as unaffiliated with a
1277 political party may vote for the registered political party's candidates; and

1278 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June
1279 30 of the year before the year in which the presidential primary will be held~~[, or the following~~
1280 ~~business day if June 30 falls on a Saturday, Sunday, or holiday]~~.

1281 Section 26. Section **20A-9-803** is amended to read:

1282 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

1283 (1) [~~(a)~~] Candidates for President of the United States who are affiliated with a
1284 registered political party in Utah that has elected to participate in Utah's Western States
1285 Presidential Primary and who wish to participate in the primary shall:

1286 [~~(i)~~] (a) except as provided in Subsection (1)(b), file a declaration of candidacy, in
1287 person or via a designated agent, with the lieutenant governor between July 1 of the year before
1288 the primary election will be held and 5 p.m. on October 15 of the year before the primary
1289 election will be held;

1290 [(ii)] (b) identify the registered political party whose nomination the candidate is
1291 seeking;

1292 [(iii)] (c) provide a letter from the registered political party certifying that the candidate
1293 may participate as a candidate for that party in that party's presidential primary election; and

1294 [(iv)] (d) pay the filing fee of \$500.

1295 [(b) If October 15 falls on a Saturday, Sunday, or holiday, the filing time shall be
1296 extended until 5 p.m. on the following business day.]

1297 (2) The lieutenant governor shall develop a declaration of candidacy form for
1298 presidential candidates participating in the primary.

1299 Section 27. Section **20A-11-302** is amended to read:

1300 **20A-11-302. Legislative office candidate -- Financial reporting requirements --**
1301 **Year-end summary report.**

1302 (1) Each legislative office candidate shall file a summary report by January 5 of the year
1303 after the regular general election year.

1304 (2) (a) Each summary report shall include the following information as of December 31
1305 of the last regular general election year:

1306 (i) the net balance of the last summary report, if any;

1307 (ii) a single figure equal to the total amount of receipts reported on all interim reports, if
1308 any, during the [~~calendar~~] last regular general election year [~~in which the summary report is~~
1309 ~~due~~];

1310 (iii) a single figure equal to the total amount of expenditures reported on all interim
1311 reports, if any, filed during the last regular general election year;

1312 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1313 the last summary report that has not been reported in detail on an interim report;

1314 (v) for each nonmonetary contribution, the fair market value of the contribution;

1315 (vi) a detailed listing of each expenditure made since the last summary report that has
1316 not been reported in detail on an interim report;

1317 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1318 (viii) a net balance for the year consisting of the net balance from the last summary
1319 report, if any, plus all receipts minus all expenditures.

1320 (b) (i) For all individual contributions or public service assistance of \$50 or less, a single
1321 aggregate figure may be reported without separate detailed listings.

1322 (ii) Two or more contributions from the same source that have an aggregate total of
1323 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1324 (c) In preparing the report, all receipts and expenditures shall be reported as of
1325 December 31 of the last regular general election year.

1326 (3) The summary report shall contain a paragraph signed by the legislative office
1327 candidate certifying that to the best of the candidate's knowledge, all receipts and all
1328 expenditures have been reported as of December 31 of the last regular general election year and
1329 that there are no bills or obligations outstanding and unpaid except as set forth in that report.

1330 (4) Legislative office candidates reporting under this section need only report receipts
1331 received and expenditures made after April 29, 1991.

1332 Section 28. Section **20A-11-506** is amended to read:

1333 **20A-11-506. Political party financial reporting requirements -- Year-end**
1334 **summary report.**

1335 (1) Each party committee shall file a summary report by January 5 of the year after the
1336 regular general election year.

1337 (2) (a) Each summary report shall include the following information as of December 31
1338 of the regular general election year:

1339 (i) the net balance of the last summary report, if any;

1340 (ii) a single figure equal to the total amount of receipts reported on all interim reports, if
1341 any, during the last regular general election year;

1342 (iii) a single figure equal to the total amount of expenditures reported on all interim
1343 reports, if any, filed during the last regular general election year;

1344 (iv) a detailed listing of each contribution and public service assistance received since
1345 the last summary report that has not been reported in detail on an interim report;

1346 (v) for each nonmonetary contribution, the fair market value of the contribution;

1347 (vi) a detailed listing of each expenditure made since the last summary report that has
1348 not been reported in detail on an interim report;

1349 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1350 (viii) a net balance for the year consisting of the net balance from the last summary
1351 report, if any, plus all receipts minus all expenditures.

1352 (b) (i) For all individual contributions or public service assistance of \$50 or less, a single
1353 aggregate figure may be reported without separate detailed listings.

1354 (ii) Two or more contributions from the same source that have an aggregate total of
1355 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1356 (c) In preparing the report, all receipts and expenditures shall be reported as of
1357 December 31 of the last regular general election year.

1358 (3) The summary report shall contain a paragraph signed by the treasurer of the party
1359 committee certifying that, to the best of the treasurer's knowledge, all receipts and all
1360 expenditures have been reported as of December 31 of the last regular general election year and
1361 that there are no bills or obligations outstanding and unpaid except as set forth in that report.

1362 Section 29. Section **20A-11-601** is amended to read:

1363 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
1364 **providing false information or accepting unlawful contribution.**

1365 (1) (a) Each political action committee shall file a statement of organization with the
1366 lieutenant governor's office by January 10 of each year, unless the political action committee has
1367 filed a notice of dissolution under Subsection (4).

1368 (b) If a political action committee is organized after the January 10 filing date, the
1369 political action committee shall file an initial statement of organization no later than seven days
1370 after:

1371 (i) receiving contributions totaling at least \$750; or

1372 (ii) distributing expenditures for political purposes totaling at least \$750.

1373 [~~(c) If January 10 falls on a weekend or holiday, the statement of organization shall be~~

1374 ~~filed by the following business day:]~~

1375 (2) Each political action committee shall designate two officers that have primary
1376 decision-making authority for the political action committee.

1377 (3) The statement of organization shall include:

1378 (a) the name and address of the political action committee;

1379 (b) the name, street address, phone number, occupation, and title of the two primary
1380 officers designated under Subsection (2);

1381 (c) the name, street address, occupation, and title of all other officers of the political
1382 action committee;

1383 (d) the name and street address of the organization, individual corporation, association,
1384 unit of government, or union that the political action committee represents, if any;

1385 (e) the name and street address of all affiliated or connected organizations and their
1386 relationships to the political action committee;

1387 (f) the name, street address, business address, occupation, and phone number of the
1388 committee's treasurer or chief financial officer; and

1389 (g) the name, street address, and occupation of each member of the governing and
1390 advisory boards, if any.

1391 (4) (a) Any registered political action committee that intends to permanently cease
1392 operations shall file a notice of dissolution with the lieutenant governor's office.

1393 (b) Any notice of dissolution filed by a political action committee does not exempt that
1394 political action committee from complying with the financial reporting requirements of this
1395 chapter.

1396 (5) (a) Unless the political action committee has filed a notice of dissolution under
1397 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
1398 notice of any change of an officer described in Subsection (2).

1399 (b) Notice of a change of a primary officer described in Subsection (2) shall:

1400 (i) be filed within ten days of the date of the change; and

1401 (ii) contain the name and title of the officer being replaced, and the name, street

1402 address, occupation, and title of the new officer.

1403 (6) (a) A person is guilty of providing false information in relation to a political action
1404 committee if the person intentionally or knowingly gives false or misleading material
1405 information in the statement of organization or the notice of change of primary officer.

1406 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
1407 contribution if the political action committee knowingly or recklessly accepts a contribution
1408 from a corporation that:

1409 (i) was organized less than 90 days before the date of the general election; and

1410 (ii) at the time the political action committee accepts the contribution, has failed to file a
1411 statement of organization with the lieutenant governor's office as required by Section
1412 20A-11-704.

1413 (c) A violation of this Subsection (6) is a third degree felony.

1414 Section 30. Section **20A-11-801** is amended to read:

1415 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
1416 **providing false information or accepting unlawful contribution.**

1417 (1) (a) Each political issues committee shall file a statement of organization with the
1418 lieutenant governor's office by January 10 of each year, unless the political issues committee has
1419 filed a notice of dissolution under Subsection (4).

1420 (b) If a political issues committee is organized after the January 10 filing date, the
1421 political issues committee shall file an initial statement of organization no later than seven days
1422 after:

1423 (i) receiving political issues contributions totaling at least \$750; or

1424 (ii) disbursing political issues expenditures totaling at least \$50.

1425 [~~(c) If January 10 falls on a weekend or holiday, the statement of organization shall be~~
1426 ~~filed by the following business day.]~~

1427 (2) Each political issues committee shall designate two officers that have primary
1428 decision-making authority for the political issues committee.

1429 (3) The statement of organization shall include:

- 1430 (a) the name and street address of the political issues committee;
- 1431 (b) the name, street address, phone number, occupation, and title of the two primary
1432 officers designated under Subsection (2);
- 1433 (c) the name, street address, occupation, and title of all other officers of the political
1434 issues committee;
- 1435 (d) the name and street address of the organization, individual, corporation, association,
1436 unit of government, or union that the political issues committee represents, if any;
- 1437 (e) the name and street address of all affiliated or connected organizations and their
1438 relationships to the political issues committee;
- 1439 (f) the name, street address, business address, occupation, and phone number of the
1440 committee's treasurer or chief financial officer;
- 1441 (g) the name, street address, and occupation of each member of the supervisory and
1442 advisory boards, if any; and
- 1443 (h) the ballot proposition whose outcome they wish to affect, and whether they support
1444 or oppose it.
- 1445 (4) (a) Any registered political issues committee that intends to permanently cease
1446 operations during a calendar year shall file a notice of dissolution with the lieutenant governor's
1447 office.
- 1448 (b) Any notice of dissolution filed by a political issues committee does not exempt that
1449 political issues committee from complying with the financial reporting requirements of this
1450 chapter.
- 1451 (5) (a) Unless the political issues committee has filed a notice of dissolution under
1452 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
1453 notice of any change of an officer described in Subsection (2).
- 1454 (b) Notice of a change of a primary officer described in Subsection (2) shall:
- 1455 (i) be filed within ten days of the date of the change; and
- 1456 (ii) contain the name and title of the officer being replaced and the name, street address,
1457 occupation, and title of the new officer.

1458 (6) (a) A person is guilty of providing false information in relation to a political issues
1459 committee if the person intentionally or knowingly gives false or misleading material
1460 information in the statement of organization or the notice of change of primary officer.

1461 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
1462 contribution if the political issues committee knowingly or recklessly accepts a contribution
1463 from a corporation that:

1464 (i) was organized less than 90 days before the date of the general election; and

1465 (ii) at the time the political issues committee accepts the contribution, has failed to file a
1466 statement of organization with the lieutenant governor's office as required by Section
1467 20A-11-704.

1468 (c) A violation of this Subsection (6) is a third degree felony.

1469 Section 31. Section **20A-11-1202** is amended to read:

1470 **20A-11-1202. Definitions.**

1471 As used in this [chapter] part:

1472 (1) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial
1473 retention questions, opinion questions, bond approvals, or other questions submitted to the
1474 voters for their approval or rejection.

1475 (2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
1476 agency that receives its revenues from conduct of its commercial operations.

1477 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
1478 cooperation agency that receives some or all of its revenues from:

1479 (i) government appropriations;

1480 (ii) taxes;

1481 (iii) government fees imposed for regulatory or revenue raising purposes; or

1482 (iv) interest earned on public funds or other returns on investment of public funds.

1483 (3) "Expenditure" means:

1484 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1485 or anything of value [made for political purposes];

1486 (b) an express, legally enforceable contract, promise, or agreement to make any
1487 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1488 value [~~for political purposes~~];

1489 (c) a transfer of funds between a public entity and a candidate's personal campaign
1490 committee;

1491 (d) a transfer of funds between a public entity and a political issues committee; or

1492 (e) goods or services provided to or for the benefit of a candidate, a candidate's
1493 personal campaign committee, or a political issues committee for political purposes at less than
1494 fair market value.

1495 (4) "Governmental interlocal cooperation agency" means an interlocal cooperation
1496 agency that receives some or all of its revenues from:

1497 (a) government appropriations;

1498 (b) taxes;

1499 (c) government fees imposed for regulatory or revenue raising purposes; or

1500 (d) interest earned on public funds or other returns on investment of public funds.

1501 (5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.

1502 (b) "Influence" does not mean providing a brief statement about a public entity's
1503 position on a ballot proposition and the reason for that position.

1504 (6) "Interlocal cooperation agency" means an entity created by interlocal agreement
1505 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

1506 (7) "Local district" means an entity under Title 17B, Limited Purpose Local
1507 Government Entities - Local Districts, and includes a special service district under Title 17A,
1508 Chapter 2, Part 13, Utah Special Service District Act.

1509 (8) (a) "Political issues committee" means an entity, or any group of individuals or
1510 entities within or outside this state, that solicits or receives [~~contributions~~] a contribution from
1511 any other person, group, or entity and makes [~~expenditures~~] an expenditure from [~~these~~
1512 ~~contributions~~] one or more contributions to influence, or to intend to influence, directly or
1513 indirectly, any person to assist in placing a ballot proposition on the ballot, to assist in keeping a

1514 ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against any
1515 ballot proposition.

1516 (b) "Political issues committee" does not mean an entity that provides goods or services
1517 to an individual or committee in the regular course of its business at the same price that would
1518 be provided to the general public.

1519 (9) "Political purposes" means an act done with the intent or in a way to influence or
1520 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
1521 against any candidate for public office at any caucus, political convention, primary, or election.

1522 (10) (a) "Public entity" includes the state, each state agency, each county, municipality,
1523 school district, local district, governmental interlocal cooperation agency, and each
1524 administrative subunit of each of them.

1525 (b) "Public entity" does not include a commercial interlocal cooperation agency.

1526 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
1527 Local Health Departments.

1528 (11) (a) "Public funds" means any monies received by a public entity from
1529 appropriations, taxes, fees, interest, or other returns on investment.

1530 (b) "Public funds" does not include monies donated to a public entity by a person or
1531 entity.

1532 (12) (a) "Public official" means an elected or appointed member of government with
1533 authority to make or determine public policy.

1534 (b) "Public official" includes the person or group that:

1535 (i) has supervisory authority over the personnel and affairs of a public entity; and

1536 (ii) approves the expenditure of funds for the public entity.

1537 (13) (a) "State agency" means each department, commission, board, council, agency,
1538 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
1539 unit, bureau, panel, or other administrative unit of the state.

1540 (b) "State agency" includes the legislative branch, the Board of Regents, the
1541 institutional councils of each higher education institution, and each higher education institution.

1542 Section 32. Section **20A-11-1203** is amended to read:

1543 **20A-11-1203. Public entity prohibited from expending public funds on certain**
1544 **electoral matters.**

1545 (1) Unless specifically required by law, a public entity may not make [~~expenditures~~] an
1546 expenditure from public funds for political purposes or to influence a ballot proposition.

1547 (2) Nothing in this chapter prohibits a public official from speaking, campaigning,
1548 contributing personal monies, or otherwise exercising the public official's individual First
1549 Amendment rights for political purposes.

1550 (3) Nothing in this chapter prohibits a public entity from providing factual information
1551 about a ballot proposition to the public, so long as the information grants equal access to both
1552 the opponents and proponents of the ballot proposition.

1553 (4) Nothing in this chapter prohibits a public entity from the neutral encouragement of
1554 voters to vote.

1555 (5) Nothing in this chapter prohibits a public entity from preparing information
1556 analyzing the pros and cons of a ballot proposition when requested to do so by the public
1557 entity's governing body.

1558 (6) Nothing in this chapter prohibits an elected official from campaigning or advocating
1559 for or against a ballot proposition.

1560 (7) A violation of this section does not invalidate an otherwise valid election.

1561 Section 33. Section **20A-11-1302** is amended to read:

1562 **20A-11-1302. School board office candidate -- Financial reporting requirements**
1563 **-- Year-end summary report.**

1564 (1) Each school board office candidate shall file a summary report by January 5 of the
1565 year after the regular general election year.

1566 (2) (a) Each summary report shall include the following information as of December 31
1567 of the last regular general election year:

1568 (i) the net balance of the last summary report, if any;

1569 (ii) a single figure equal to the total amount of receipts reported on all interim reports, if

1570 any, during the [~~calendar~~] last regular general election year [~~in which the summary report is~~
1571 ~~due~~];

1572 (iii) a single figure equal to the total amount of expenditures reported on all interim
1573 reports, if any, filed during the last regular general election year;

1574 (iv) a detailed listing of each receipt, contribution, and public service assistance since
1575 the last summary report that has not been reported in detail on an interim report;

1576 (v) for each nonmonetary contribution, the fair market value of the contribution;

1577 (vi) a detailed listing of each expenditure made since the last summary report that has
1578 not been reported in detail on an interim report;

1579 (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

1580 (viii) a net balance for the year consisting of the net balance from the last summary
1581 report, if any, plus all receipts minus all expenditures.

1582 (b) (i) For all individual contributions or public service assistance of \$50 or less, a single
1583 aggregate figure may be reported without separate detailed listings.

1584 (ii) Two or more contributions from the same source that have an aggregate total of
1585 more than \$50 may not be reported in the aggregate, but shall be reported separately.

1586 (c) In preparing the report, all receipts and expenditures shall be reported as of
1587 December 31 of the last regular general election year.

1588 (3) The summary report shall contain a paragraph signed by the school board office
1589 candidate certifying that, to the best of the school board office candidate's knowledge, all
1590 receipts and all expenditures have been reported as of December 31 of the last regular general
1591 election year and that there are no bills or obligations outstanding and unpaid except as set forth
1592 in that report.

1593 (4) School board office candidates reporting under this section need only report receipts
1594 received and expenditures made after May 5, 1997.

1595 Section 34. Section **20A-12-201** is amended to read:

1596 **20A-12-201. Judicial appointees -- Retention elections.**

1597 (1) (a) Each appointee to a court of record is subject to an unopposed retention election

1598 at the first general election held more than three years after the judge or justice was appointed.

1599 (b) After the first retention election:

1600 (i) each Supreme Court justice shall be on the regular general election ballot for an
1601 unopposed retention election every tenth year; and

1602 (ii) each judge of other courts of record shall be on the regular general election ballot
1603 for an unopposed retention election every sixth year.

1604 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the
1605 year the justice or judge is subject to a retention election:

1606 (i) file a declaration of candidacy as if a candidate for multi-county office in accordance
1607 with Section 20A-9-202; and

1608 (ii) pay a filing fee of \$50.

1609 (b) Each county justice judge who wishes to retain office shall, in the year the justice or
1610 judge is subject to a retention election:

1611 (i) file a declaration of candidacy as if a candidate for county office in accordance with
1612 Section 20A-9-202; and

1613 (ii) pay a filing fee of \$25.

1614 (3) (a) The lieutenant governor shall, ~~by~~ no later than September ~~1~~ 8 of each regular
1615 general election year:

1616 (i) transmit a certified list containing the names of the justices of the Supreme Court and
1617 judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

1618 (ii) transmit a certified list containing the names of judges of other courts declaring their
1619 candidacy to the county clerk of each county in the geographic division in which the judge filing
1620 the declaration holds office.

1621 (b) Each county clerk shall place the names of justices and judges standing for retention
1622 election in the nonpartisan section of the ballot.

1623 (4) At the general election, the ballots shall contain, as to each justice or judge of any
1624 court to be voted on in the county, the following question:

1625 "Shall _____ (name of justice or judge) be retained in the

1626 office of _____?" (name of office, such as "Justice of the Supreme
1627 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
1628 Third Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District";
1629 "County Justice Court Judge of (name of county) County")

1630 Yes ()

1631 No ()."

1632 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
1633 is retained for the term of office provided by law.

1634 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
1635 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
1636 regular general election.

1637 (6) A justice or judge not retained is ineligible for appointment to the office for which
1638 the justice or judge was defeated until after the expiration of that term of office.