

Senator Peter C. Knudson proposes the following substitute bill:

ELECTION LAW CHANGES

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Douglas C. Aagard

LONG TITLE

General Description:

This bill makes changes to Title 20A, Election Code.

Highlighted Provisions:

This bill:

- ▶ clarifies the requirements to be legally entitled to vote when voting in a precinct outside of one's own;
- ▶ changes the date for the Western States Presidential Primary election canvass;
- ▶ changes numerous provisions that require specific placement of various ballot items to more general placement requirements;
- ▶ clarifies that a proposed constitutional amendment is a "measure" for the purposes of Title 20A, Chapter 7, Issues Submitted to the Voters;
- ▶ addresses the responsibility for prosecuting misconduct of electors and officers;
- ▶ changes the unaffiliated candidate pledge to include a pledge concerning campaign financial disclosures;
- ▶ changes filing deadlines for certain city, town, or local district offices;
- ▶ allows an unaffiliated candidate for President or Vice President of the United States to use a designated agent to file a certificate of nomination;
- ▶ clarifies that a write-in candidate must file a declaration of candidacy in person or



26 through a designated agent; and
27 ▶ makes technical changes.

28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill coordinates with H.B. 56, Declaration of Candidacy Amendments by merging
32 substantive amendments.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-4-107**, as last amended by Laws of Utah 2007, Chapters 75 and 285

36 **20A-4-306**, as last amended by Laws of Utah 2008, Chapter 225

37 **20A-6-101**, as enacted by Laws of Utah 1994, Chapter 2

38 **20A-6-301**, as last amended by Laws of Utah 2008, Chapters 225 and 315

39 **20A-6-303**, as last amended by Laws of Utah 2008, Chapters 225 and 315

40 **20A-6-401**, as enacted by Laws of Utah 1994, Chapter 2

41 **20A-6-401.1**, as last amended by Laws of Utah 2006, Chapter 326

42 **20A-6-402**, as last amended by Laws of Utah 2008, Chapter 315

43 **20A-7-101**, as last amended by Laws of Utah 2005, Chapter 236

44 **20A-7-210**, as enacted by Laws of Utah 1994, Chapter 1

45 **20A-7-309**, as enacted by Laws of Utah 1994, Chapter 1

46 **20A-7-312**, as last amended by Laws of Utah 1999, Chapter 45

47 **20A-7-509**, as enacted by Laws of Utah 1994, Chapter 272

48 **20A-7-609**, as last amended by Laws of Utah 2008, Chapter 237

49 **20A-9-206**, as last amended by Laws of Utah 2008, Chapter 382

50 **20A-9-502**, as last amended by Laws of Utah 2003, Chapter 107

51 **20A-9-503**, as last amended by Laws of Utah 2007, Chapter 329

52 **20A-9-601**, as last amended by Laws of Utah 2008, Chapter 225

53 **20A-11-206**, as last amended by Laws of Utah 2008, Chapter 14

54 **20A-11-305**, as last amended by Laws of Utah 2008, Chapter 14

55 **20A-15-104**, as enacted by Laws of Utah 1995, Chapter 1

56

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

58 Section 1. Section **20A-4-107** is amended to read:

59 **20A-4-107. Review and disposition of provisional ballot envelopes.**

60 (1) As used in this section, a voter is "legally entitled to vote" if:

61 (a) the voter:

62 (i) is registered to vote in the state;

63 (ii) resides within the voting precinct where the voter seeks to vote; and

64 (iii) provided valid voter identification to the poll worker as indicated by a notation in

65 the official register;

66 (b) the voter:

67 (i) is registered to vote in the state; ~~and~~

68 (ii) (A) provided valid voter identification to the poll worker as indicated by a notation

69 in the official register; or

70 (B) either failed to provide valid voter identification or the documents provided as

71 valid voter identification were inadequate and the poll worker recorded that fact in the official

72 register but the county clerk verifies the voter's identity and residence through some other

73 means; and

74 ~~[(ii)] (iii)~~ did not vote in the voter's precinct of residence, but the ballot that the voter

75 voted is identical to the ballot voted in the voter's precinct of residence; or

76 (c) the voter:

77 (i) is registered to vote in the state;

78 (ii) ~~[the poll worker recorded in the official register that the voter]~~ either failed to

79 provide valid voter identification or the documents provided as valid voter identification were

80 inadequate and the poll worker recorded that fact in the official register; and

81 (iii) the county clerk verifies the voter's identity and residence through some other

82 means.

83 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review

84 the affirmation on the face of each provisional ballot envelope and determine if the person

85 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter

86 voted.

87 (b) If the election officer determines that the person is not a registered voter or is not

88 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
89 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
90 produce or count it.

91 (c) If the election officer determines that the person is a registered voter and is legally
92 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
93 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
94 those ballots at the canvass.

95 (d) The election officer may not count, or allow to be counted a provisional ballot
96 unless the voter's identity and residence is established by a preponderance of the evidence.

97 (3) If the election officer determines that the person is a registered voter, the election
98 officer shall ensure that the voter registration records are updated to reflect the information
99 provided on the provisional ballot envelope.

100 (4) If the election officer determines that the person is not a registered voter and the
101 information on the provisional ballot envelope is complete, the election officer shall:

- 102 (a) consider the provisional ballot envelope a voter registration form; and
- 103 (b) register the voter.

104 Section 2. Section **20A-4-306** is amended to read:

105 **20A-4-306. Statewide canvass.**

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

- 107 (i) on the fourth Monday of November, at noon; or
- 108 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
109 returns of a statewide special election.

110 (b) The state auditor, the state treasurer, and the attorney general are the state board of
111 canvassers.

112 (c) Attendance of all members of the state board of canvassers shall be required to
113 constitute a quorum for conducting the canvass.

114 (2) (a) The state board of canvassers shall:

- 115 (i) meet in the lieutenant governor's office; and
- 116 (ii) compute and determine the vote for officers and for and against any ballot
117 propositions voted upon by the voters of the entire state or of two or more counties.

118 (b) The lieutenant governor, as secretary of the board shall file a report in his office

119 that details:

120 (i) for each statewide officer and ballot proposition:

121 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

122 (B) the candidates for each statewide office whose names appeared on the ballot, plus

123 any recorded write-in candidates;

124 (C) the number of votes from each county cast for each candidate and for and against

125 each ballot proposition;

126 (D) the total number of votes cast statewide for each candidate and for and against each

127 ballot proposition; and

128 (E) the total number of votes cast statewide; and

129 (ii) for each officer or ballot proposition voted on in two or more counties:

130 (A) the name of each of those offices and ballot propositions that appeared on the

131 ballot;

132 (B) the candidates for those offices, plus any recorded write-in candidates;

133 (C) the number of votes from each county cast for each candidate and for and against

134 each ballot proposition; and

135 (D) the total number of votes cast for each candidate and for and against each ballot

136 proposition.

137 (c) The lieutenant governor shall:

138 (i) prepare certificates of election for:

139 (A) each successful candidate; and

140 (B) each of the presidential electors of the candidate for president who received a

141 majority of the votes;

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

143 (iii) deliver a certificate of election to:

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

145 (B) each of the presidential electors of the candidate for president who received a

146 majority of the votes.

147 (3) If the lieutenant governor has not received election returns from all counties on the

148 fifth day before the day designated for the meeting of the state board of canvassers, the

149 lieutenant governor shall:

150 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
151 county;

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

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

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

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

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

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

164 (b) The lieutenant governor shall certify the results of the primary canvass to the
165 county clerks not later than the August 1 after the primary election.

166 (6) (a) At noon on the [~~Tuesday~~] day that falls [~~two weeks after~~ seven days after the
167 last day on which a county canvass may occur under Section 20A-4-301 for the Western States
168 Presidential Primary election, the lieutenant governor shall:

169 (i) canvass the returns; and

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

171 (b) The lieutenant governor shall certify the results of the Western States Presidential
172 Primary canvass to each registered political party that participated in the primary not later than
173 the April 15 after the primary election.

174 Section 3. Section **20A-6-101** is amended to read:

175 **20A-6-101. General requirements for paper ballots.**

176 (1) Each election officer shall ensure that paper ballots:

177 (a) are printed on only one side of the paper;

178 (b) are printed using precisely the same quality and tint of plain white paper through
179 which the printing or writing cannot be seen;

180 (c) are printed using precisely the same quality and kind of type;

- 181 (d) are printed using precisely the same quality and tint of plain black ink;
- 182 (e) are uniform in size for all the voting precincts within the election officer's
- 183 jurisdiction;
- 184 (f) include, in elections where write-in voting is authorized, a write-in column
- 185 immediately [~~to the right of~~] adjacent to the last column on the ballot that is long enough to
- 186 contain as many written names of candidates as there are persons to be elected with:
- 187 (i) the offices to be filled printed above the blank spaces on the ticket; and
- 188 (ii) the words "Write-In Voting Column" printed at the head of the column without a
- 189 1/2 inch circle.

190 (2) Whenever the vote for candidates is to be limited to the voters of a particular

191 political division, the election officer shall ensure that the names of those candidates are

192 printed only upon those ballots provided to that political division.

193 Section 4. Section **20A-6-301** is amended to read:

194 **20A-6-301. Paper ballots -- Regular general election.**

195 (1) Each election officer shall ensure that:

196 (a) all paper ballots furnished for use at the regular general election contain no captions

197 or other endorsements except as provided in this section;

198 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the

199 top of the ballot, and divided from the rest of ballot by a perforated line;

200 (ii) the ballot number and the words " Poll Worker's Initial ____ " are printed on the

201 stub; and

202 (iii) ballot stubs are numbered consecutively;

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

204 printed in 18-point bold type:

205 (i) "Official Ballot for ____ County, Utah";

206 (ii) the date of the election; and

207 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

208 (d) each ticket is placed in a separate column on the ballot in the order determined by

209 the election officer with the party emblem, followed by the party name, at the head of the

210 column;

211 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

212 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,
213 and the top of the circle is placed not less than two inches below the perforated line;

214 (g) unaffiliated candidates and candidates not affiliated with a registered political party
215 are listed in one column, without a party circle, with the following instructions printed at the
216 head of the column: "All candidates not affiliated with a political party are listed below. They
217 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
218 for each office.";

219 (h) the columns containing the lists of candidates, including the party name and device,
220 are separated by heavy parallel lines;

221 (i) the offices to be filled are plainly printed immediately above the names of the
222 candidates for those offices;

223 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
224 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of
225 an inch apart;

226 (k) a square with sides measuring not less than 1/4 of an inch in length is printed [~~at the~~
227 ~~right of~~] immediately adjacent to the name of each candidate;

228 (l) for the offices of president and vice president and governor and lieutenant governor,
229 one square with sides measuring not less than 1/4 of an inch in length is printed on the same
230 side as but opposite a double bracket enclosing [~~the right side of~~] the names of the two
231 candidates;

232 (m) immediately [~~to the right of~~] adjacent to the unaffiliated ticket on the ballot, the
233 ballot contains a write-in column long enough to contain as many written names of candidates
234 as there are persons to be elected with:

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

237 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
238 square with sides measuring not less than 1/4 of an inch in length printed [~~at the right of~~]
239 immediately adjacent to the blank horizontal line; or

240 (B) for the offices of president and vice president and governor and lieutenant
241 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
242 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in

243 length printed on the same side as but opposite a double bracket enclosing [~~the right side of~~
244 the two blank horizontal lines; and

245 (ii) the words "Write-In Voting Column" printed at the head of the column without a
246 1/2 inch circle;

247 (n) when required, the ballot includes a nonpartisan ticket placed immediately [~~to the~~
248 ~~right of~~] adjacent to the write-in ticket with the word "NONPARTISAN" in reverse type in an
249 18-point solid rule running vertically the full length of the nonpartisan ballot copy; and

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

252 (2) Each election officer shall ensure that:

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

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

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

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

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

262 (d) the ballots contain no other names.

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

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

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

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

270 (d) the nonpartisan candidates are grouped according to the office for which they are
271 candidates;

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

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

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

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

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

285 (4) Each election officer shall ensure that:

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

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

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

292 Section 5. Section **20A-6-303** is amended to read:

293 **20A-6-303. Regular general election -- Ballot sheets.**

294 (1) Each election officer shall ensure that:

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

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

299 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
300 include, after the list of candidates:

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

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

303 (d) (i) a voting square or position is included where the voter may record a straight
304 party ticket vote for all the candidates of one party by one mark or punch; and

305 (ii) the name of each political party listed in the straight party selection area includes
306 the word "party" at the end of the party's name;

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

308 (f) the office titles are printed [~~above or at the side of~~] immediately adjacent to the
309 names of candidates so as to indicate clearly the candidates for each office and the number to
310 be elected;

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

313 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
314 page;

315 (ii) if all candidates for one office cannot be listed in one column or grouped on one
316 page:

317 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
318 candidates is continued on the following column or page; and

319 (B) approximately the same number of names shall be printed in each column or on
320 each page.

321 (2) Each election officer shall ensure that:

322 (a) proposed amendments to the Utah Constitution are listed in accordance with
323 Section 20A-6-107;

324 (b) ballot propositions submitted to the voters are listed in accordance with Section
325 20A-6-107; and

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

328 Section 6. Section **20A-6-401** is amended to read:

329 **20A-6-401. Ballots for municipal primary elections.**

330 (1) Each election officer shall ensure that:

331 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
332 the top of the ballot;

333 (ii) the ballot number and the words [~~"Judge's~~] "Poll Worker's Initial ____" are printed
334 on the stub; and

335 (iii) ballot stubs are numbered consecutively;

336 (b) immediately below the perforated ballot stub, the following endorsements are
337 printed in 18-point bold type:

338 (i) "Official Primary Ballot for ____ (City or Town), Utah";

339 (ii) the date of the election; and

340 (iii) a facsimile of the signature of the election officer and the election officer's title in
341 eight-point type; [~~and~~]

342 (c) immediately below the election officer's title, two one-point parallel horizontal
343 rules separate endorsements from the rest of the ballot;

344 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
345 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the
346 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
347 office." followed by two one-point parallel rules;

348 (e) after the rules, the designation of the office for which the candidates seek
349 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
350 for two or more" are printed to extend to the extreme right of the column in ten-point bold type,
351 followed by a hair-line rule;

352 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
353 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
354 and grouped according to the office that they seek;

355 (g) a square with sides not less than 1/4 inch long is printed [~~to the right of~~]
356 immediately adjacent to the names of the candidates; and

357 (h) the candidate groups are separated from each other by one light and one heavy line
358 or rule.

359 (2) A municipal primary ballot may not contain any space for write-in votes.

360 Section 7. Section **20A-6-401.1** is amended to read:

361 **20A-6-401.1. Ballots for partisan municipal primary elections.**

362 (1) If a municipality is using paper ballots, each election officer shall ensure that:

363 (a) all paper ballots furnished for use at the regular primary election:

364 (i) are perforated to separate the candidates of one political party from those of the
365 other political parties so that the voter may separate the part of the ballot containing the names
366 of the political party of the voter's choice from the rest of the ballot;

367 (ii) have sides that are perforated so that the outside sections of the ballot, when
368 detached, are similar in appearance to the inside sections of the ballot when detached; and
369 (iii) contain no captions or other endorsements except as provided in this section;

370 (b) the names of all candidates from each party are listed on the same ballot in one or
371 more columns under their party name and emblem;

372 (c) the political parties are printed on the ballot in the order determined by the county
373 clerk;

374 (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the
375 top of the ballot;

376 (ii) the ballot number and the words "Poll Worker's Initials ____" are printed on the
377 stub; and

378 (iii) ballot stubs are numbered consecutively;

379 (e) immediately below the perforated ballot stub, the following endorsements are
380 printed in 18-point bold type:

381 (i) "Official Primary Ballot for ____ County, Utah";
382 (ii) the date of the election; and
383 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

384 (f) after the facsimile signature, the political party emblem and the name of the
385 political party are printed;

386 (g) after the party name and emblem, the ballot contains the following printed in not
387 smaller than ten-point bold face, double leaded type: "Instructions to Voters: To vote for a
388 candidate, place a cross (X) in the square [~~at the right of~~] immediately adjacent to the name of
389 the person for whom you wish to vote and in no other place. Do not vote for any candidate
390 listed under more than one party or group designation.", followed by two one-point parallel
391 horizontal rules;

392 (h) after the rules, the designation of the office for which the candidates seek
393 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
394 for two or more" are printed to extend to the extreme right of the column in ten-point bold type,
395 followed by a hair-line rule;

396 (i) after the hair-line rule, the names of the candidates are printed in heavy face type
397 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last

398 and grouped according to the office that they seek;

399 (j) a square with sides not less than 1/4 inch long is printed [~~to the right of~~]

400 immediately adjacent to the names of the candidates;

401 (k) the candidate groups are separated from each other by one light and one heavy line

402 or rule; and

403 (l) the nonpartisan candidates are listed as follows:

404 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"

405 is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of

406 the party listing above; and

407 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the

408 candidate's name, the voting square, and any other necessary information is printed in the same

409 style and manner as for party candidates.

410 (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer

411 may require that:

412 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary

413 election consist of several groups of pages or display screens, so that a separate group can be

414 used to list the names of candidates seeking nomination of each qualified political party, with

415 additional groups used to list candidates for other nonpartisan offices;

416 (ii) the separate groups of pages or display screens are identified by color or other

417 suitable means; and

418 (iii) the ballot or ballot label contain instructions that direct the voter how to vote the

419 ballot.

420 (b) If a municipality is using ballot sheets or electronic ballots, each election officer

421 shall:

422 (i) for municipalities using punch card ballots, ensure that the ballot label provides a

423 means for the voter to designate the political party in whose primary the voter is voting; and

424 (ii) determine the order for printing the names of the political parties on the ballot

425 label.

426 Section 8. Section **20A-6-402** is amended to read:

427 **20A-6-402. Ballots for municipal general elections.**

428 (1) When using a paper ballot at municipal general elections, each election officer shall

429 ensure that:

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

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

434 (c) for other offices:

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

438 (ii) the names of those candidates are placed upon the municipal general election
439 ballot;

440 (d) a write-in area is placed upon the ballot that contains, for each office:

441 (i) a blank, horizontal line to enable the entry of a valid write-in candidate; and

442 (ii) a square or other conforming area that is adjacent to or opposite the blank
443 horizontal line to enable the voter to indicate the voter's vote;

444 (e) ballot propositions that have qualified for the ballot, including propositions
445 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
446 listed on the ballot in accordance with Section 20A-6-107; and

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

449 (2) When using a punch card ballot at municipal general elections, each election officer
450 shall ensure that:

451 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
452 the top of the ballot;

453 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
454 stub; and

455 (iii) ballot stubs are numbered consecutively;

456 (b) immediately below the perforated ballot stub, the following endorsements are
457 printed in 18-point bold type:

458 (i) "Official Ballot for ____ (City or Town), Utah";

459 (ii) the date of the election; and

460 (iii) a facsimile of the signature of the election officer and the election officer's title in
461 eight-point type;

462 (c) immediately below the election officer's title, two one-point parallel horizontal
463 rules separate endorsements from the rest of the ballot;

464 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
465 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the
466 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
467 office." followed by two one-point parallel rules;

468 (e) after the rules, the designation of the office for which the candidates seek election is
469 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or
470 more" are printed to extend to the extreme right of the column in ten-point bold type, followed
471 by a hair-line rule;

472 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
473 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last
474 and grouped according to the office that they seek;

475 (g) a square with sides not less than 1/4 inch long is printed [~~to the right of~~]
476 immediately adjacent to the names of the candidates;

477 (h) following the name of the last candidate for each office, the ballot contains:

478 (i) a write-in space for each elective office where the voter may enter the name of a
479 valid write-in candidate; and

480 (ii) a square printed [~~to the right of~~] immediately adjacent to the write-in space or line
481 where the voter may vote for the valid write-in candidate; and

482 (i) the candidate groups are separated from each other by one light and one heavy line
483 or rule.

484 (3) When using a ballot sheet other than a punch card ballot at municipal general
485 elections, each election officer shall ensure that:

486 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

487 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
488 stub; and

489 (iii) ballot stubs are numbered consecutively;

490 (b) immediately below the perforated ballot stub, the following endorsements are

491 printed:

492 (i) "Official Ballot for ____ (City or Town), Utah";

493 (ii) the date of the election; and

494 (iii) a facsimile of the signature of the election officer and the election officer's title;

495 (c) immediately below the election officer's title, a distinct border or line separates
496 endorsements from the rest of the ballot;

497 (d) immediately below the border or line, an "Instructions to Voters" section is printed
498 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
499 candidate(s) for each respective office." followed by another border or line;

500 (e) after the border or line, the designation of the office for which the candidates seek
501 election is printed and the words: "Vote for one" or "Vote for two or more" are printed,
502 followed by a line or border;

503 (f) after the line or border, the names of the candidates are printed alphabetically
504 according to surnames with surnames last and grouped according to the office that they seek;

505 (g) an oval is printed adjacent to the names of the candidates;

506 (h) following the name of the last candidate for each office, the ballot contains:

507 (i) a write-in space or blank line for each elective office where the voter may enter the
508 name of a valid write-in candidate; and

509 (ii) an oval is printed adjacent to the write-in space or line where the voter may vote for
510 the valid write-in candidate; and

511 (i) the candidate groups are separated from each other by a line or border.

512 (4) When using an electronic ballot at municipal general elections, each election officer
513 shall ensure that:

514 (a) the following endorsements are displayed on the first screen of the ballot:

515 (i) "Official Ballot for ____ (City or Town), Utah";

516 (ii) the date of the election; and

517 (iii) a facsimile of the signature of the election officer and the election officer's title;

518 (b) immediately below the election officer's title, a distinct border or line separates the
519 endorsements from the rest of the ballot;

520 (c) immediately below the border or line, an "Instructions to Voters" section is
521 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as

522 the candidate(s) for each respective office." followed by another border or line;

523 (d) after the border or line, the designation of the office for which the candidates seek
524 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,
525 followed by a line or border;

526 (e) after the line or border, the names of the candidates are displayed alphabetically
527 according to surnames with surnames last and grouped according to the office that they seek;

528 (f) a voting square or position is located adjacent to the name of each candidate;

529 (g) following the name of the last candidate for each office, the ballot contains a
530 write-in space where the voter may enter the name of and vote for a valid write-in candidate for
531 the office; and

532 (h) the candidate groups are separated from each other by a line or border.

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

536 Section 9. Section **20A-7-101** is amended to read:

537 **20A-7-101. Definitions.**

538 As used in this chapter:

539 (1) "Budget officer" means:

540 (a) for counties, the person designated as budget officer in Section 17-19-19;

541 (b) for cities, the person designated as budget officer in Subsection 10-6-106(5); or

542 (c) for towns, the town council.

543 (2) "Certified" means that the county clerk has acknowledged a signature as being the
544 signature of a registered voter.

545 (3) "Circulation" means the process of submitting an initiative or referendum petition
546 to legal voters for their signature.

547 (4) "Final fiscal impact statement" means a financial statement prepared after voters
548 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
549 20A-7-502.5(2).

550 (5) "Initial fiscal impact estimate" means a financial statement prepared according to
551 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an
552 initiative petition.

553 (6) "Initiative" means a new law proposed for adoption by the public as provided in
554 this chapter.

555 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
556 law, and the signature sheets, all of which have been bound together as a unit.

557 (8) "Legal signatures" means the number of signatures of legal voters that:

558 (a) meet the numerical requirements of this chapter; and

559 (b) have been certified and verified as provided in this chapter.

560 (9) "Legal voter" means a person who:

561 (a) is registered to vote; or

562 (b) becomes registered to vote before the county clerk certifies the signatures on an
563 initiative or referendum petition.

564 (10) (a) "Local law" includes an ordinance, resolution, master plan, and any
565 comprehensive zoning regulations adopted by ordinance or resolution.

566 (b) "Local law" does not include individual property zoning decisions.

567 (11) "Local attorney" means the county attorney, city attorney, or town attorney in
568 whose jurisdiction a local initiative or referendum petition is circulated.

569 (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose
570 jurisdiction a local initiative or referendum petition is circulated.

571 (13) "Local legislative body" means the legislative body of a county, city, or town.

572 (14) "Measure" means ~~an~~ a proposed constitutional amendment, an initiative, or
573 referendum.

574 (15) "Referendum" means a law passed by the Legislature or by a local legislative body
575 that is being submitted to the voters for their approval or rejection.

576 (16) "Referendum packet" means a copy of the referendum petition, a copy of the law
577 being submitted to the voters for their approval or rejection, and the signature sheets, all of
578 which have been bound together as a unit.

579 (17) "Signature sheets" means sheets in the form required by this chapter that are used
580 to collect signatures in support of an initiative or referendum.

581 (18) "Sponsors" means the legal voters who support the initiative or referendum and
582 who sign the application for petition copies.

583 (19) "Sufficient" means that the signatures submitted in support of an initiative or

584 referendum petition have been certified and verified as required by this chapter.

585 (20) "Verified" means acknowledged by the person circulating the petition as required
586 in Sections 20A-7-205 and 20A-7-305.

587 Section 10. Section **20A-7-210** is amended to read:

588 **20A-7-210. Form of ballot -- Manner of voting.**

589 (1) The county clerks shall ensure that the number and ballot title verified to them by
590 the lieutenant governor are [~~printed~~] presented upon the official ballot with, immediately [~~to~~
591 ~~the right of~~] adjacent to them, the words "For" and "Against," each word [~~followed by a~~
592 presented with an adjacent square in which the elector may indicate his vote.

593 (2) Electors desiring to vote in favor of enacting the law proposed by the initiative
594 petition shall mark the square [~~following~~] adjacent to the word "For," and those desiring to vote
595 against enacting the law proposed by the initiative petition shall mark the square [~~following~~]
596 adjacent to the word "Against."

597 Section 11. Section **20A-7-309** is amended to read:

598 **20A-7-309. Form of ballot -- Manner of voting.**

599 (1) The county clerks shall ensure that the number and ballot title verified to them by
600 the lieutenant governor are [~~printed~~] presented upon the official ballot with, immediately [~~to~~
601 ~~the right of~~] adjacent to them, the words "For" and "Against," each word [~~followed by a~~
602 presented with an adjacent square in which the elector may indicate his vote.

603 (2) Voters desiring to vote in favor of [~~enacting~~] ~~§~~→ [~~halting the law proposed by the~~
604 ~~referendum petition~~] preventing the law that is the subject of the referendum from taking effect ←~~§~~
604a shall mark the square [~~following~~] adjacent to the word "For," and those
605 desiring to vote against ~~§~~→ [~~enacting the law proposed by~~] preventing the law that is the subject
605a of ←~~§~~ the referendum petition ~~§~~→ from taking effect ←~~§~~ shall mark the
606 square [~~following~~] adjacent to the word "Against."

607 Section 12. Section **20A-7-312** is amended to read:

608 **20A-7-312. Misconduct of electors and officers -- Penalty.**

609 (1) It is unlawful for any person to:

- 610 (a) sign any name other than his own to any referendum petition;
- 611 (b) knowingly sign his name more than once for the same measure at one election;
- 612 (c) sign a referendum knowing he is not a legal voter; or
- 613 (d) knowingly and willfully violate any provision of this part.

614 (2) It is unlawful for any person to sign the verification for a referendum packet

615 knowing that:

616 (a) he does not meet the residency requirements of Section 20A-2-105;

617 (b) he has not witnessed the signatures of those persons whose names appear in the
618 referendum packet; or

619 (c) one or more persons whose signatures appear in the referendum packet is either:

620 (i) not registered to vote in Utah; or

621 (ii) does not intend to become registered to vote in Utah.

622 (3) Any person violating this section is guilty of a class A misdemeanor.

623 (4) The attorney general or the county [~~clerk~~] or district attorney shall prosecute any
624 violation of this section.

625 Section 13. Section **20A-7-509** is amended to read:

626 **20A-7-509. Form of ballot -- Manner of voting.**

627 (1) The local clerk shall ensure that the number and ballot title are [~~printed~~] presented
628 upon the official ballot with, immediately [~~to the right of~~] adjacent to them, the words "For"
629 and "Against," each word [~~followed by a~~] presented with an adjacent square in which the
630 elector may indicate his vote.

631 (2) Electors desiring to vote in favor of enacting the law proposed by the initiative
632 petition shall mark the square [~~following~~] adjacent to the word "For," and those desiring to vote
633 against enacting the law proposed by the initiative petition shall mark the square [~~following~~]
634 adjacent to the word "Against."

635 Section 14. Section **20A-7-609** is amended to read:

636 **20A-7-609. Form of ballot -- Manner of voting.**

637 (1) The local clerk shall ensure that the number and ballot title are [~~printed~~] presented
638 upon the official ballot with, immediately [~~to the right of~~] adjacent to them, the words "For"
639 and "Against," each word [~~followed by a~~] presented with an adjacent square in which the
640 elector may indicate his vote.

641 (2) (a) Except as provided in Subsection (2)(c), and unless the county legislative body
642 calls a special election, the county clerk shall ensure that county referenda that have qualified
643 for the ballot appear on the next regular general election ballot.

644 (b) Unless the municipal legislative body calls a special election, the municipal
645 recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear

646 on the next regular municipal election ballot.

647 (c) For referenda held in relation to the adoption of an ordinance imposing a county
648 option sales and use tax under Section 59-12-1102, the county clerk shall ensure that referenda
649 that have qualified for the ballot appear on the ballot at the earlier of:

650 (i) the next regular general election that is more than 155 days after the date of the
651 adoption of the ordinance; or

652 (ii) the next municipal general election that is more than 155 days after the date of the
653 adoption of the ordinance.

654 (3) Voters desiring to vote in favor of ~~§~~→ [enacting] repealing ←~~§~~ the law proposed by the
654a referendum

655 petition shall mark the square [following] adjacent to the word "For," and those desiring to vote
656 against ~~§~~→ [enacting] repealing ←~~§~~ the law proposed by the referendum petition shall mark the
656a square following
657 the word "Against."

658 Section 15. Section **20A-9-206** is amended to read:

659 **20A-9-206. Fair campaign practices -- Voluntary pledge -- Pledge is a public**
660 **record -- Retention requirements.**

661 (1) Each person seeking to become a candidate for any elective office that is to be
662 filled at the next election shall be provided with a copy of the pledge of fair campaign
663 practices.

664 (2) The pledge shall be in the following form:

665 "PLEDGE OF FAIR CAMPAIGN PRACTICES

666 There are basic principles of decency, honesty, and fair play which every candidate for
667 public office in the State of Utah has a moral obligation to observe and uphold, in order that,
668 after vigorously contested but fairly conducted campaigns, our citizens may exercise their right
669 to a free election, and that the will of the people may be fully and clearly expressed on the
670 issues.

671 THEREFORE:

672 I SHALL conduct my campaign openly and publicly, discussing the issues as I see
673 them, presenting my record and policies with sincerity and frankness, and criticizing, without
674 fear or favor, the record and policies of my opponents that I believe merit criticism.

675 I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or
676 the candidate's immediate family. I shall not participate in [or], nor shall I permit the use of,

677 defamation, libel, or slander against any candidate or the candidate's immediate family. I shall
678 not participate in, nor shall I permit the use of, any other criticism of any candidate or the
679 candidate's immediate family that I do not believe to be truthful, provable, and relevant to my
680 campaign.

681 I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or
682 undermine our American system of free elections, or that hinders or prevents the free
683 expression of the will of the voters, including practices intended to hinder or prevent any
684 eligible person from registering to vote or voting.

685 I SHALL NOT coerce election help or campaign contributions for myself or for any
686 other candidate from my employees or volunteers.

687 I SHALL immediately and publicly repudiate support deriving from any individual or
688 group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to
689 methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take
690 firm action against any subordinate who violates any provision of this pledge or the laws
691 governing elections.

692 I SHALL defend and uphold the right of every qualified American voter to full and
693 equal participation in the electoral process.

694 I, the undersigned, candidate for election to public office in the State of Utah, hereby
695 voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in
696 accordance with the above principles and practices."

697 Name: _____

698 Signature: _____ Date: _____

699 (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be
700 distributed to persons filing a declaration of candidacy.

701 (4) A pledge that is submitted for filing by a candidate is a public record under Title
702 63G, Chapter 2, Government Records Access and Management Act.

703 (5) The filing officer shall:

704 (a) accept all signed pledges that are submitted for filing; and

705 (b) retain each filed pledge for public inspection for 30 calendar days after the election.

706 (6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair
707 campaign practices.

708 Section 16. Section 20A-9-502 is amended to read:

709 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

710 (1) The candidate shall:

711 (a) prepare a certificate of nomination in substantially the following form:

712 "State of Utah, County of _____

713 I, _____, declare my intention of becoming an unaffiliated candidate for the

714 political group designated as ____ for the office of _____. I do solemnly swear that I can

715 qualify to hold that office both legally and constitutionally if selected, and that I reside at _____

716 Street, in the city of _____, county of _____, state of Utah, zip code _____, phone _____, and that I

717 am providing, or have provided, the required number of signatures of registered voters required

718 by law; that as a candidate at the next election I will not knowingly violate any election or

719 campaign law[~~and that I will qualify for the office if I am elected to it.~~]; I will file all

720 campaign financial disclosure reports as required by law; and I understand that failure to do so

721 will result in my disqualification as a candidate for this office and removal of my name from

722 the ballot.

723 _____

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

725 _____

726 Notary Public (or other officer
727 qualified to administer oaths)"; and

728 (b) attach signature sheets to the certificate that contain a place for the registered
729 voter's signature, a place for the registered voter to print his name, and a place for the registered
730 voter's address.

731 (2) (a) The candidate shall circulate the nomination petition and submit it to the county
732 clerk for certification when the petition has been completed by:

733 (i) at least 1,000 registered voters residing within the state when the nomination is for
734 an office to be filled by the voters of the entire state; or

735 (ii) at least 300 registered voters residing within a political division or at least 5% of
736 the registered voters residing within a political division, whichever is less, when the
737 nomination is for an office to be filled by the voters of any political division smaller than the
738 state.

739 (b) In reviewing the petition, the county clerk shall count and certify only those persons
740 who signed the petition who:

741 (i) are registered voters within the political division that the candidate seeks to
742 represent; and

743 (ii) did not sign any other certificate of nomination for that office.

744 (c) The candidate may supplement or amend the certificate of nomination at any time
745 on or before the filing deadline.

746 Section 17. Section **20A-9-503** is amended to read:

747 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

748 (1) After the certificate of nomination has been certified, executed, and acknowledged
749 by the county clerk, the candidate shall:

750 (a) between March 7 and 5 p.m. on March 17 of the year in which the regular general
751 election will be held, file the petition in person with:

752 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
753 a federal office; or

754 (ii) the county clerk, if the office the candidate seeks is a county office; and

755 (iii) pay the filing fee; or

756 (b) not later than [~~the sixth Tuesday before the primary election date~~] 5 p.m. on July 15
757 of any odd-numbered year, file the petition in person with:

758 (i) the municipal clerk, if the candidate seeks an office in a city or town;

759 (ii) the local district clerk, if the candidate seeks an office in a local district; and

760 (iii) pay the filing fee.

761 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
762 read the constitutional and statutory requirements for candidacy to the candidate.

763 (b) If the candidate states that he does not meet the requirements, the filing officer may
764 not accept the petition.

765 (3) (a) Persons filing a certificate of nomination for President of the United States
766 under this section shall pay a filing fee of \$500.

767 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
768 President or Vice President of the United States:

769 (i) may file the certificate of nomination between March 7 and 5 p.m. on August 15 of

770 the year in which the regular general election will be held; and

771 (ii) may use a designated agent to file the certificate of nomination.

772 Section 18. Section **20A-9-601** is amended to read:

773 **20A-9-601. Qualifying as a write-in candidate.**

774 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
775 of candidacy in person or through a designated agent for a candidate for President or Vice
776 President of the United States with the appropriate filing officer not later than 30 days before
777 the regular general election or municipal general election in which the person intends to be a
778 write-in candidate.

779 (b) (i) The filing officer shall:

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

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

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

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

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

789 Section 19. Section **20A-11-206** is amended to read:

790 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

791 (1) (a) If a state office candidate fails to file an interim report due before the regular
792 primary election, on August 31, or before the regular general election, the lieutenant governor
793 shall, after making a reasonable attempt to discover if the report was timely mailed, inform the
794 county clerk and other appropriate election officials who:

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

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

800 (iii) may not count any votes for that candidate.

801 (b) Any state office candidate who fails to file timely a financial statement required by
802 ~~[this part]~~ Section 20A-11-204 is disqualified and the vacancy on the ballot may be filled as
803 provided in Section 20A-1-501.

804 (c) Notwithstanding Subsections (1)(a) and (1)(b), a state office candidate is not
805 disqualified if:

806 (i) the candidate files the reports required by this section no later than the due date;

807 (ii) those reports are completed, detailing accurately and completely the information
808 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
809 and

810 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
811 the next scheduled report.

812 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
813 governor shall review each filed summary report to ensure that:

814 (i) each state office candidate that is required to file a summary report has filed one;
815 and

816 (ii) each summary report contains the information required by this part.

817 (b) If it appears that any state office candidate has failed to file the summary report
818 required by law, if it appears that a filed summary report does not conform to the law, or if the
819 lieutenant governor has received a written complaint alleging a violation of the law or the
820 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
821 violation or receipt of a written complaint, notify the state office candidate of the violation or
822 written complaint and direct the state office candidate to file a summary report correcting the
823 problem.

824 (c) (i) It is unlawful for any state office candidate to fail to file or amend a summary
825 report within 14 days after receiving notice from the lieutenant governor under this section.

826 (ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B
827 misdemeanor.

828 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
829 attorney general.

830 Section 20. Section **20A-11-305** is amended to read:

831 **20A-11-305. Legislative office candidate -- Failure to file report -- Name not**

832 **printed on ballot -- Filling vacancy.**

833 (1) (a) If a legislative office candidate fails to file an interim report due before the
834 regular primary election, on August 31, or before the regular general election, the lieutenant
835 governor shall, after making a reasonable attempt to discover if the report was timely mailed,
836 inform the county clerk and other appropriate election officials who:

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

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

842 (iii) may not count any votes for that candidate.

843 (b) Any legislative office candidate who fails to file timely a financial statement
844 required by [~~this part~~] Section 20A-11-303 is disqualified and the vacancy on the ballot may be
845 filled as provided in Section 20A-1-501.

846 (c) Notwithstanding Subsections (1)(a) and (1)(b), a legislative office candidate is not
847 disqualified if:

848 (i) the candidate files the reports required by this section no later than the due date;

849 (ii) those reports are completed, detailing accurately and completely the information
850 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
851 and

852 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in
853 the next scheduled report.

854 (2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
855 governor shall review each filed summary report to ensure that:

856 (i) each legislative office candidate that is required to file a summary report has filed
857 one; and

858 (ii) each summary report contains the information required by this part.

859 (b) If it appears that any legislative office candidate has failed to file the summary
860 report required by law, if it appears that a filed summary report does not conform to the law, or
861 if the lieutenant governor has received a written complaint alleging a violation of the law or the
862 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a

863 violation or receipt of a written complaint, notify the legislative office candidate of the
864 violation or written complaint and direct the legislative office candidate to file a summary
865 report correcting the problem.

866 (c) (i) It is unlawful for any legislative office candidate to fail to file or amend a
867 summary report within 14 days after receiving notice from the lieutenant governor under this
868 section.

869 (ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a
870 class B misdemeanor.

871 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
872 attorney general.

873 Section 21. Section **20A-15-104** is amended to read:

874 **20A-15-104. Ballot -- Form -- Manner of marking and voting.**

875 (1) The requirements of this section govern the form of the ballot and the specific
876 procedures for electing delegates to the ratification convention.

877 (2) Each county clerk shall ensure that the ballot to select delegates to the ratification
878 convention:

879 (a) is separate from and printed on different color stock than any other ballot to be used
880 at the same election;

881 (b) contains the following information in this order:

882 (i) the text of the proposed amendment;

883 (ii) instructions to the voter;

884 (iii) three perpendicular columns of equal width;

885 (iv) at the head of the first perpendicular column, in plain type, the words "For
886 Ratification of Proposed Change in Constitution of the United States;"

887 (v) at the head of the second perpendicular column, in plain type, the words "Against
888 Ratification of Proposed Change in Constitution of the United States;"

889 (vi) no heading or names at the head of the third perpendicular column;

890 (vii) in the column headed "For Ratification of Proposed Change in Constitution of the
891 United States," the names of the nominees nominated as in favor of ratification;

892 (viii) in the column headed "Against Ratification of Proposed Change in Constitution
893 of the United States," the names of the nominees nominated as against ratification; and

894 (ix) in the column without heading, spaces permitting the voter to write in other names;
895 and

896 (c) is arranged so that the voter may, by making a single mark, vote for the entire group
897 of nominees whose names are contained in any column.

898 (3) Each county clerk shall ensure that the ballot to select delegates to the ratification
899 convention is in substantially the following form:

900 "OFFICIAL BALLOT for delegates to convention to ratify or reject proposed
901 amendment to the Constitution of the United States. The Congress has proposed an amendment
902 to the Constitution of the United States that provides: (insert here the text of the proposed
903 amendment).

904 The Congress has also directed that the proposed amendment be ratified by conventions in the
905 states.

906 INSTRUCTIONS TO VOTERS

907 Do not vote for more than 21.

908 To vote for all candidates in favor of ratification, or for all candidates against
909 ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom
910 you wish to vote. If you do this, make no other mark.

911 To vote for an individual candidate, make a cross-mark in the SQUARE [~~at the right of~~]
912 immediately adjacent to the name.

913 To vote for a person other than candidates listed on the ballot, write in the person's
914 name in blank column.

915 For ratification of proposed change in Constitution of the United States.

916 (Name of Candidate) _____

917 Against ratification of proposed change in Constitution of the United States.

918 (Name of Candidate) _____"

919 (4) If the election of delegates to the ratification convention is held at the same time as
920 the regular general election, the county clerk shall:

921 (a) give the same ballot number to a regular general election ballot and a ballot to elect
922 delegates to a ratification convention;

923 (b) direct the election judges to:

924 (i) hand to each voter the general election ballot and the ratification convention ballot

925 with identical ballot numbers;

926 (ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and

927 (iii) mark any ballot "void" that the voter declines to use and return it to the county

928 clerk.

929 (5) Each voter shall indicate his choice by making one or more cross-marks in the

930 appropriate spaces provided on the ballot.

931 Section 22. **Coordinating S.B. 27 with H.B. 56 -- Merging substantive**
932 **amendments.**

933 If this S.B. 27 and H.B. 56, Declaration of Candidacy Amendments, both pass it is the
934 intent of the Legislature that the Office of Legislative Research and General Counsel in
935 preparing the Utah Code database for publication do the following:

936 (1) modify Section 20A-9-503 to read:

937 **"20A-9-503. Certificate of nomination -- Filing -- Fees.**

938 (1) After the certificate of nomination has been certified, executed, and acknowledged
939 by the county clerk, the candidate shall:

940 (a) between [~~March 7 and March 17~~] the second Friday in March and 5 p.m. on the
941 third Friday in March of the year in which the regular general election will be held, file the
942 petition in person with:

943 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
944 a federal office; or

945 (ii) the county clerk, if the office the candidate seeks is a county office; and

946 (iii) pay the filing fee; or

947 (b) not later than [~~the sixth Tuesday before the primary election date~~] 5 p.m. on July 15
948 of any odd-numbered year, file the petition in person with:

949 (i) the municipal clerk, if the candidate seeks an office in a city or town;

950 (ii) the local district clerk, if the candidate seeks an office in a local district; and

951 (iii) pay the filing fee.

952 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
953 read the constitutional and statutory requirements for candidacy to the candidate.

954 (b) If the candidate states that he does not meet the requirements, the filing officer may
955 not accept the petition.

956 (3) (a) Persons filing a certificate of nomination for President of the United States
957 under this section shall pay a filing fee of \$500.

958 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
959 President or Vice President of the United States:

960 (i) may file the certificate of nomination between the second Friday in March and 5
961 p.m. on August 15 of the year in which the regular general election will be held; and

962 (ii) may use a designated agent to file the certificate of nomination."

S.B. 27 1st Sub. (Green) - Election Law Changes

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
