

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 through a designated agent; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

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
90 to 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
94 with 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
109 the 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
127 each 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
197 captions 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
215 party are listed in one column, without a party circle, with the following instructions printed at
216 the head of the column: "All candidates not affiliated with a political party are listed below.
217 They are to be considered with all offices and candidates listed to the left. Only one vote is
218 allowed for each office.";

219 (h) the columns containing the lists of candidates, including the party name and
220 device, 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
224 than 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules
225 3/8 of an inch apart;

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

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

254 the 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
278 election 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
281 by 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
291 the 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
298 in 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
 351 type, 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
395 type, 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
406 of 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
409 same 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
429 shall 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

450 officer 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
469 is 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
- 510 for 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
- 513 officer 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
- 531 for 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 [am] a proposed constitutional amendment, an initiative, or
573 referendum.

574 (15) "Referendum" means a law passed by the Legislature or by a local legislative
575 body 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
595 vote against enacting the law proposed by the initiative petition shall mark the square
596 [~~following]~~ 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 the law proposed by the referendum~~
604 ~~petition]~~ preventing the law that is the subject of the referendum from taking effect shall mark
605 the square [~~following]~~ adjacent to the word "For," and those desiring to vote against [~~enacting~~
606 ~~the law proposed by]~~ preventing the law that is the subject of the referendum petition from
607 taking effect shall mark the square [~~following]~~ adjacent to the word "Against."

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

609 **20A-7-312. Misconduct of electors and officers -- Penalty.**

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

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

615 (2) It is unlawful for any person to sign the verification for a referendum packet
616 knowing that:

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

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

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

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

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

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

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

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

627 **20A-7-509. Form of ballot -- Manner of voting.**

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

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

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

637 **20A-7-609. Form of ballot -- Manner of voting.**

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

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

645 (b) Unless the municipal legislative body calls a special election, the municipal

646 recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear
647 on the next regular municipal election ballot.

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

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

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

655 (3) Voters desiring to vote in favor of ~~[enacting]~~ repealing the law proposed by the
656 referendum petition shall mark the square ~~[following]~~ adjacent to the word "For," and those
657 desiring to vote against ~~[enacting]~~ repealing the law proposed by the referendum petition shall
658 mark the square following the word "Against."

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

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

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

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

666 "PLEDGE OF FAIR CAMPAIGN PRACTICES

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

672 THEREFORE:

673 I SHALL conduct my campaign openly and publicly, discussing the issues as I see

674 them, presenting my record and policies with sincerity and frankness, and criticizing, without
675 fear or favor, the record and policies of my opponents that I believe merit criticism.

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

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

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

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

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

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

698 Name: _____

699 Signature: _____ Date: _____

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

702 (4) A pledge that is submitted for filing by a candidate is a public record under Title
703 63G, Chapter 2, Government Records Access and Management Act.

704 (5) The filing officer shall:

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

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

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

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

711 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

712 (1) The candidate shall:

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

714 "State of Utah, County of _____

715 I, _____, declare my intention of becoming an unaffiliated candidate for the
716 political group designated as ____ for the office of _____. I do solemnly swear that I can
717 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
718 Street, in the city of _____, county of _____, state of Utah, zip code _____, phone _____, and that
719 I am providing, or have provided, the required number of signatures of registered voters
720 required by law; that as a candidate at the next election I will not knowingly violate any
721 election or campaign law[~~and that I will qualify for the office if I am elected to it.~~]; I will file
722 all campaign financial disclosure reports as required by law; and I understand that failure to do
723 so will result in my disqualification as a candidate for this office and removal of my name
724 from the ballot.

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

727 _____

728 Notary Public (or other officer
729 qualified to administer oaths)"; and

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

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

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

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

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

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

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

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

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

749 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

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

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

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

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

757 (iii) pay the filing fee; or

758 (b) not later than [~~the sixth Tuesday before the primary election date~~] 5 p.m. on July
759 15 of any odd-numbered year, file the petition in person with:

- 760 (i) the municipal clerk, if the candidate seeks an office in a city or town;
- 761 (ii) the local district clerk, if the candidate seeks an office in a local district; and
- 762 (iii) pay the filing fee.

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

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

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

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

771 (i) may file the certificate of nomination between March 7 and 5 p.m. on August 15 of
772 the year in which the regular general election will be held; and

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

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

775 **20A-9-601. Qualifying as a write-in candidate.**

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

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

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

783 and

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

785 (ii) If the candidate cannot meet the requirements of office, the filing officer may not

786 accept the write-in candidate's declaration of candidacy.

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

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

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

792 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

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

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

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

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

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

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

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

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

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

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

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

817 and

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

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

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

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

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

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

833 **20A-11-305. Legislative office candidate -- Failure to file report -- Name not**
834 **printed on ballot -- Filling vacancy.**

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

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

841 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform

842 the voters by any practicable method that the candidate has been disqualified and that votes
843 cast for the candidate will not be counted; and

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

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

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

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

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

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

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

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

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

861 (b) If it appears that any legislative office candidate has failed to file the summary
862 report required by law, if it appears that a filed summary report does not conform to the law, or
863 if the lieutenant governor has received a written complaint alleging a violation of the law or
864 the falsity of any summary report, the lieutenant governor shall, within five days of discovery
865 of a violation or receipt of a written complaint, notify the legislative office candidate of the
866 violation or written complaint and direct the legislative office candidate to file a summary
867 report correcting the problem.

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

870 section.

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

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

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

876 **20A-15-104. Ballot -- Form -- Manner of marking and voting.**

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

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

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

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

884 (i) the text of the proposed amendment;

885 (ii) instructions to the voter;

886 (iii) three perpendicular columns of equal width;

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

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

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

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

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

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

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

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

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

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

908 INSTRUCTIONS TO VOTERS

909 Do not vote for more than 21.

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

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

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

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

918 (Name of Candidate) _____

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

920 (Name of Candidate) _____ "

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

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

925 (b) direct the election judges to:

926 (i) hand to each voter the general election ballot and the ratification convention ballot
927 with identical ballot numbers;

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

929 (iii) mark any ballot "void" that the voter declines to use and return it to the county
930 clerk.

931 (5) Each voter shall indicate his choice by making one or more cross-marks in the
932 appropriate spaces provided on the ballot.

933 Section 22. **Coordinating S.B. 27 with H.B. 56 -- Merging substantive**
934 **amendments.**

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

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

939 **"20A-9-503. Certificate of nomination -- Filing -- Fees.**

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

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

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

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

948 (iii) pay the filing fee; or

949 (b) not later than [~~the sixth Tuesday before the primary election date~~] 5 p.m. on July
950 15 of any odd-numbered year, file the petition in person with:

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

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

953 (iii) pay the filing fee.

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

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

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

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

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

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