

**ELECTION LAW CHANGES**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Peter C. Knudson**

House Sponsor: Douglas C. Aagard

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

**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;
- ▶ 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



28           ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

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

47           **20A-7-609**, as last amended by Laws of Utah 2008, Chapter 237

48           **20A-9-206**, as last amended by Laws of Utah 2008, Chapter 382

49           **20A-9-502**, as last amended by Laws of Utah 2003, Chapter 107

50           **20A-9-503**, as last amended by Laws of Utah 2007, Chapter 329

51           **20A-9-601**, as last amended by Laws of Utah 2008, Chapter 225

52           **20A-11-206**, as last amended by Laws of Utah 2008, Chapter 14

53           **20A-11-305**, as last amended by Laws of Utah 2008, Chapter 14

54           **20A-15-104**, as enacted by Laws of Utah 1995, Chapter 1

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

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

58           **20A-4-107. Review and disposition of provisional ballot envelopes.**

- 59 (1) As used in this section, a voter is "legally entitled to vote" if:
- 60 (a) the voter:
- 61 (i) is registered to vote in the state;
- 62 (ii) resides within the voting precinct where the voter seeks to vote; and
- 63 (iii) provided valid voter identification to the poll worker as indicated by a notation in
- 64 the official register;
- 65 (b) the voter:
- 66 (i) is registered to vote in the state; ~~and~~
- 67 (ii) (A) provided valid voter identification to the poll worker as indicated by a notation
- 68 in the official register; or
- 69 (B) either failed to provide valid voter identification or the documents provided as
- 70 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 71 register but the county clerk verifies the voter's identity and residence through some other
- 72 means; and
- 73 ~~[(ii)]~~ (iii) did not vote in the voter's precinct of residence, but the ballot that the voter
- 74 voted is identical to the ballot voted in the voter's precinct of residence; or
- 75 (c) the voter:
- 76 (i) is registered to vote in the state;
- 77 (ii) ~~[the poll worker recorded in the official register that the voter]~~ either failed to
- 78 provide valid voter identification or the documents provided as valid voter identification were
- 79 inadequate and the poll worker recorded that fact in the official register; and
- 80 (iii) the county clerk verifies the voter's identity and residence through some other
- 81 means.
- 82 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
- 83 the affirmation on the face of each provisional ballot envelope and determine if the person
- 84 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
- 85 voted.
- 86 (b) If the election officer determines that the person is not a registered voter or is not
- 87 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
- 88 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
- 89 produce or count it.

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

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

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

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

101 (a) consider the provisional ballot envelope a voter registration form; and

102 (b) register the voter.

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

104 **20A-4-306. Statewide canvass.**

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

106 (i) on the fourth Monday of November, at noon; or

107 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the  
108 returns of a statewide special election.

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

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

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

114 (i) meet in the lieutenant governor's office; and

115 (ii) compute and determine the vote for officers and for and against any ballot  
116 propositions voted upon by the voters of the entire state or of two or more counties.

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

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

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

121 (B) the candidates for each statewide office whose names appeared on the ballot, plus  
122 any recorded write-in candidates;

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

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

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

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

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

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

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

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

136 (c) The lieutenant governor shall:

137 (i) prepare certificates of election for:

138 (A) each successful candidate; and

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

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

142 (iii) deliver a certificate of election to:

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

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

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

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

151 (b) instruct the messenger to demand a certified copy of the board of canvasser's report

152 required by Section 20A-4-304 from the clerk; and

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

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

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

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

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

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

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

168 (i) canvass the returns; and

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

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

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

174 **20A-6-101. General requirements for paper ballots.**

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

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

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

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

180 (d) are printed using precisely the same quality and tint of plain black ink;

181 (e) are uniform in size for all the voting precincts within the election officer's  
182 jurisdiction;

183 (f) include, in elections where write-in voting is authorized, a write-in column  
184 immediately [~~to the right of~~] adjacent to the last column on the ballot that is long enough to  
185 contain as many written names of candidates as there are persons to be elected with:

186 (i) the offices to be filled printed above the blank spaces on the ticket; and  
187 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
188 1/2 inch circle.

189 (2) Whenever the vote for candidates is to be limited to the voters of a particular  
190 political division, the election officer shall ensure that the names of those candidates are  
191 printed only upon those ballots provided to that political division.

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

193 **20A-6-301. Paper ballots -- Regular general election.**

194 (1) Each election officer shall ensure that:

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

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

199 (ii) the ballot number and the words " Poll Worker's Initial \_\_\_\_ " are printed on the  
200 stub; and

201 (iii) ballot stubs are numbered consecutively;

202 (c) immediately below the perforated ballot stub, the following endorsements are  
203 printed in 18-point bold type:

204 (i) "Official Ballot for \_\_\_\_ County, Utah";

205 (ii) the date of the election; and

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

207 (d) each ticket is placed in a separate column on the ballot in the order determined by  
208 the election officer with the party emblem, followed by the party name, at the head of the  
209 column;

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

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

213 (g) unaffiliated candidates and candidates not affiliated with a registered political party

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

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

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

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

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

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

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

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

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

239 (B) for the offices of president and vice president and governor and lieutenant  
240 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
241 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in  
242 length printed on the same side as but opposite a double bracket enclosing [~~the right side of~~]  
243 the two blank horizontal lines; and

244 (ii) the words "Write-In Voting Column" printed at the head of the column without a



245 1/2 inch circle;

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

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

251 (2) Each election officer shall ensure that:

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

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

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

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

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

261 (d) the ballots contain no other names.

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

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

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

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

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

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

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

275 (g) if candidates for membership on a local board of education were selected in a

276 primary election, the name of the candidate who received the most votes in the primary election  
277 is listed first on the ballot;

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

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

284 (4) Each election officer shall ensure that:

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

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

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

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

292 **20A-6-303. Regular general election -- Ballot sheets.**

293 (1) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

320 (2) Each election officer shall ensure that:

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

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

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

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

328 **20A-6-401. Ballots for municipal primary elections.**

329 (1) Each election officer shall ensure that:

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

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

334 (iii) ballot stubs are numbered consecutively;

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

337 (i) "Official Primary Ballot for \_\_\_\_ (City or Town), Utah";

- 338 (ii) the date of the election; and
- 339 (iii) a facsimile of the signature of the election officer and the election officer's title in  
340 eight-point type; [~~and~~]
- 341 (c) immediately below the election officer's title, two one-point parallel horizontal  
342 rules separate endorsements from the rest of the ballot;
- 343 (d) immediately below the horizontal rules, an "Instructions to Voters" section is  
344 printed in ten-point bold type that states: "To vote for a candidate, place a cross (X) in the  
345 square following the name(s) of the person(s) you favor as the candidate(s) for each respective  
346 office." followed by two one-point parallel rules;
- 347 (e) after the rules, the designation of the office for which the candidates seek  
348 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote  
349 for two or more" are printed to extend to the extreme right of the column in ten-point bold type,  
350 followed by a hair-line rule;
- 351 (f) after the hair-line rule, the names of the candidates are printed in heavy face type  
352 between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last  
353 and grouped according to the office that they seek;
- 354 (g) a square with sides not less than 1/4 inch long is printed [~~to the right of~~]  
355 immediately adjacent to the names of the candidates; and
- 356 (h) the candidate groups are separated from each other by one light and one heavy line  
357 or rule.
- 358 (2) A municipal primary ballot may not contain any space for write-in votes.
- 359 Section 7. Section **20A-6-401.1** is amended to read:
- 360 **20A-6-401.1. Ballots for partisan municipal primary elections.**
- 361 (1) If a municipality is using paper ballots, each election officer shall ensure that:
- 362 (a) all paper ballots furnished for use at the regular primary election:
- 363 (i) are perforated to separate the candidates of one political party from those of the  
364 other political parties so that the voter may separate the part of the ballot containing the names  
365 of the political party of the voter's choice from the rest of the ballot;
- 366 (ii) have sides that are perforated so that the outside sections of the ballot, when  
367 detached, are similar in appearance to the inside sections of the ballot when detached; and
- 368 (iii) contain no captions or other endorsements except as provided in this section;

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

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

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

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

377 (iii) ballot stubs are numbered consecutively;

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

380 (i) "Official Primary Ballot for \_\_\_\_ County, Utah";

381 (ii) the date of the election; and

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

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

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

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

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

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

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

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

403 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"  
404 is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of  
405 the party listing above; and

406 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the  
407 candidate's name, the voting square, and any other necessary information is printed in the same  
408 style and manner as for party candidates.

409 (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer  
410 may require that:

411 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary  
412 election consist of several groups of pages or display screens, so that a separate group can be  
413 used to list the names of candidates seeking nomination of each qualified political party, with  
414 additional groups used to list candidates for other nonpartisan offices;

415 (ii) the separate groups of pages or display screens are identified by color or other  
416 suitable means; and

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

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

421 (i) for municipalities using punch card ballots, ensure that the ballot label provides a  
422 means for the voter to designate the political party in whose primary the voter is voting; and

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

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

426 **20A-6-402. Ballots for municipal general elections.**

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

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

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

433 (c) for other offices:

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

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

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

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

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

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

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

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

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

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

454 (iii) ballot stubs are numbered consecutively;

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

457 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

458 (ii) the date of the election; and

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

461 (c) immediately below the election officer's title, two one-point parallel horizontal

462 rules separate endorsements from the rest of the ballot;

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

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

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

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

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

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

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

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

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

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

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

488 (iii) ballot stubs are numbered consecutively;

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

491 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

492 (ii) the date of the election; and



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

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

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

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

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

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

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

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

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

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

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

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

514 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

515 (ii) the date of the election; and

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

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

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

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

524 followed by a line or border;

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

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

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

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

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

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

536 **20A-7-101. Definitions.**

537 As used in this chapter:

538 (1) "Budget officer" means:

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

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

541 (c) for towns, the town council.

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

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

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

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

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

554 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed

555 law, and the signature sheets, all of which have been bound together as a unit.

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

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

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

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

560 (a) is registered to vote; or

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

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

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

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

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

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

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

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

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

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

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

582 (19) "Sufficient" means that the signatures submitted in support of an initiative or  
583 referendum petition have been certified and verified as required by this chapter.

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

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

587 **20A-7-210. Form of ballot -- Manner of voting.**

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

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

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

597 **20A-7-309. Form of ballot -- Manner of voting.**

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

602 (2) Voters desiring to vote in favor of enacting the law proposed by the referendum  
603 petition shall mark the square [~~following~~] adjacent to the word "For," and those desiring to vote  
604 against enacting the law proposed by the referendum petition shall mark the square [~~following~~]  
605 adjacent to the word "Against."

606 Section 12. Section **20A-7-509** is amended to read:

607 **20A-7-509. Form of ballot -- Manner of voting.**

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

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

616 Section 13. Section **20A-7-609** is amended to read:

617 **20A-7-609. Form of ballot -- Manner of voting.**

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

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

625 (b) Unless the municipal legislative body calls a special election, the municipal  
626 recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear  
627 on the next regular municipal election ballot.

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

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

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

635 (3) Voters desiring to vote in favor of enacting the law proposed by the referendum  
636 petition shall mark the square [~~following~~] adjacent to the word "For," and those desiring to vote  
637 against enacting the law proposed by the referendum petition shall mark the square following  
638 the word "Against."

639 Section 14. Section **20A-9-206** is amended to read:

640 **20A-9-206. Fair campaign practices -- Voluntary pledge -- Pledge is a public**  
641 **record -- Retention requirements.**

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

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

646 "PLEDGE OF FAIR CAMPAIGN PRACTICES

647 There are basic principles of decency, honesty, and fair play which every candidate for

648 public office in the State of Utah has a moral obligation to observe and uphold, in order that,  
649 after vigorously contested but fairly conducted campaigns, our citizens may exercise their right  
650 to a free election, and that the will of the people may be fully and clearly expressed on the  
651 issues.

652 THEREFORE:

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

656 I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or  
657 the candidate's immediate family. I shall not participate in [or], nor shall I permit the use of,  
658 defamation, libel, or slander against any candidate or the candidate's immediate family. I shall  
659 not participate in, nor shall I permit the use of, any other criticism of any candidate or the  
660 candidate's immediate family that I do not believe to be truthful, provable, and relevant to my  
661 campaign.

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

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

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

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

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

678 Name: \_\_\_\_\_

679 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

682 (4) A pledge that is submitted for filing by a candidate is a public record under Title  
683 63G, Chapter 2, Government Records Access and Management Act.

684 (5) The filing officer shall:

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

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

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

689 Section 15. Section 20A-9-502 is amended to read:

690 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

691 (1) The candidate shall:

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

693 "State of Utah, County of \_\_\_\_\_

694 I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the  
695 political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can  
696 qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_  
697 Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of Utah, zip code \_\_\_\_\_, phone \_\_\_\_\_, and that I  
698 am providing, or have provided, the required number of signatures of registered voters required  
699 by law; that as a candidate at the next election I will not knowingly violate any election or  
700 campaign law[~~and that I will qualify for the office if I am elected to it.~~]; I will file all  
701 campaign financial disclosure reports as required by law; and I understand that failure to do so  
702 will result in my disqualification as a candidate for this office and removal of my name from  
703 the ballot.

704 \_\_\_\_\_

705 Subscribed and sworn to before me this \_\_\_\_\_(month\day\year).

706 \_\_\_\_\_

707 Notary Public (or other officer  
708 qualified to administer oaths)"; and

709 (b) attach signature sheets to the certificate that contain a place for the registered

710 voter's signature, a place for the registered voter to print his name, and a place for the registered  
711 voter's address.

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

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

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

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

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

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

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

727 Section 16. Section **20A-9-503** is amended to read:

728 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

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

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

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

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

736 (iii) pay the filing fee; or

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

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

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



741 (iii) pay the filing fee.

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

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

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

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

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

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

753 Section 17. Section **20A-9-601** is amended to read:

754 **20A-9-601. Qualifying as a write-in candidate.**

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

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

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

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

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

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

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

770 Section 18. Section **20A-11-206** is amended to read:

771 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

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

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

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

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

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

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

787 (i) the candidate files the reports required by this section;

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

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

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

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

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

798 (b) If it appears that any state office candidate has failed to file the summary report  
799 required by law, if it appears that a filed summary report does not conform to the law, or if the  
800 lieutenant governor has received a written complaint alleging a violation of the law or the  
801 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
802 violation or receipt of a written complaint, notify the state office candidate of the violation or

803 written complaint and direct the state office candidate to file a summary report correcting the  
804 problem.

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

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

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

811 Section 19. Section **20A-11-305** is amended to read:

812 **20A-11-305. Legislative office candidate -- Failure to file report -- Name not**  
813 **printed on ballot -- Filling vacancy.**

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

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

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

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

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

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

829 (i) the candidate files the reports required by this section;

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

833 (iii) those omissions, errors, or inaccuracies are corrected in an amended report or in

834 the next scheduled report.

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

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

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

840 (b) If it appears that any legislative office candidate has failed to file the summary  
841 report required by law, if it appears that a filed summary report does not conform to the law, or  
842 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
843 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
844 violation or receipt of a written complaint, notify the legislative office candidate of the  
845 violation or written complaint and direct the legislative office candidate to file a summary  
846 report correcting the problem.

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

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

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

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

855 **20A-15-104. Ballot -- Form -- Manner of marking and voting.**

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

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

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

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

863 (i) the text of the proposed amendment;

864 (ii) instructions to the voter;

- 865 (iii) three perpendicular columns of equal width;
- 866 (iv) at the head of the first perpendicular column, in plain type, the words "For  
867 Ratification of Proposed Change in Constitution of the United States;"
- 868 (v) at the head of the second perpendicular column, in plain type, the words "Against  
869 Ratification of Proposed Change in Constitution of the United States;"
- 870 (vi) no heading or names at the head of the third perpendicular column;
- 871 (vii) in the column headed "For Ratification of Proposed Change in Constitution of the  
872 United States," the names of the nominees nominated as in favor of ratification;
- 873 (viii) in the column headed "Against Ratification of Proposed Change in Constitution  
874 of the United States," the names of the nominees nominated as against ratification; and
- 875 (ix) in the column without heading, spaces permitting the voter to write in other names;  
876 and
- 877 (c) is arranged so that the voter may, by making a single mark, vote for the entire group  
878 of nominees whose names are contained in any column.

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

881 "OFFICIAL BALLOT for delegates to convention to ratify or reject proposed  
882 amendment to the Constitution of the United States. The Congress has proposed an amendment  
883 to the Constitution of the United States that provides: (insert here the text of the proposed  
884 amendment).

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

887 INSTRUCTIONS TO VOTERS

888 Do not vote for more than 21.

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

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

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

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

897 (Name of Candidate) \_\_\_\_\_

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

899 (Name of Candidate) \_\_\_\_\_ "

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

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

904 (b) direct the election judges to:

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

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

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

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

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**Legislative Review Note**  
**as of 11-20-08 12:02 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 27 - Election Law Changes**

**Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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