

1 **BALLOT PLACEMENT AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Wayne L. Niederhauser



7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Election Code by amending provisions regarding the order in
10 which candidates' names appear on the ballot.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires an election officer to list candidates on the ballot for each office in an order
14 provided in the master ballot position list established by the lieutenant governor
15 through random selection;
- 16 ▶ adds an item to the lieutenant governor's notice of election in a general election year
17 to identify the order for listing candidates on the ballot for the current year and the
18 next year;
- 19 ▶ exempts the ballot order requirement for races with an unopposed candidate; and
- 20 ▶ make technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **17B-1-306**, as last amended by Laws of Utah 2010, Chapter 197

28 **17D-3-309**, as enacted by Laws of Utah 2008, Chapter 360

29 **20A-5-101**, as last amended by Laws of Utah 2009, Chapter 388

- 30 **20A-6-301**, as last amended by Laws of Utah 2009, Chapter 202
- 31 **20A-6-302**, as last amended by Laws of Utah 2006, Chapter 326
- 32 **20A-6-303**, as last amended by Laws of Utah 2009, Chapter 202
- 33 **20A-6-304**, as last amended by Laws of Utah 2008, Chapters 225 and 315
- 34 **20A-6-401**, as last amended by Laws of Utah 2009, Chapter 202
- 35 **20A-6-401.1**, as last amended by Laws of Utah 2009, Chapter 202
- 36 **20A-6-402**, as last amended by Laws of Utah 2009, Chapter 202
- 37 **20A-9-403**, as last amended by Laws of Utah 2008, Chapter 225
- 38 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315

39 ENACTS:

40 **20A-6-305**, Utah Code Annotated 1953



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

43 Section 1. Section **17B-1-306** is amended to read:

44 **17B-1-306. Local district board -- Election procedures.**

45 (1) Except as provided in Subsection (11), each elected board member shall be selected
46 as provided in this section.

47 (2) (a) Each election of a local district board member shall be held:

48 (i) at the same time as the municipal general election; and

49 (ii) at polling places designated by the county clerk in consultation with the local
50 district for each county in which the local district is located, which polling places shall coincide
51 with municipal general election polling places whenever feasible.

52 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
53 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
54 polling place per division of the district, designated by the district board.

55 (ii) Each polling place designated by an irrigation district board under Subsection
56 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
57 (2)(a)(ii).

58 (3) (a) The clerk of each local district with a board member position to be filled at the
59 next municipal general election shall provide notice of:

60 (i) each elective position of the local district to be filled at the next municipal general
61 election;

62 (ii) the constitutional and statutory qualifications for each position; and

63 (iii) the dates and times for filing a declaration of candidacy.

64 (b) The notice required under Subsection (3)(a) shall be:

65 (i) posted in at least five public places within the local district at least 10 days before
66 the first day for filing a declaration of candidacy; or

67 (ii) (A) published in a newspaper of general circulation within the local district at least
68 three but no more than 10 days before the first day for filing a declaration of candidacy; and

69 (B) published, in accordance with Section 45-1-101, for 10 days before the first day for
70 filing a declaration of candidacy.

71 (4) (a) To become a candidate for an elective local district board position, the
72 prospective candidate shall file a declaration of candidacy in person with the local district,
73 during office hours and not later than the close of normal office hours between July 1 and July
74 15 of any odd-numbered year.

75 (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended
76 until the close of normal office hours on the following regular business day.

77 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
78 officer shall:

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

81 (B) require the candidate to state whether or not the candidate meets those
82 requirements.

83 (ii) If the prospective candidate does not meet the qualification requirements for the
84 office, the filing officer may not accept the declaration of candidacy.

85 (iii) If it appears that the prospective candidate meets the requirements of candidacy,

86 the filing officer shall accept the declaration of candidacy.

87 (d) The declaration of candidacy shall substantially comply with the following form:

88 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
89 _____, City of _____, County of _____, State of Utah,
90 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
91 for the office of board of trustees member for _____ (state the name of
92 the local district); that I am a candidate for that office to be voted upon at the next election, and
93 I hereby request that my name be printed upon the official ballot for that election.

94 (Signed) _____

95 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
96 of _____, _____.

97 (Signed) _____

98 (Clerk or Notary Public)"

99 (e) Each person wishing to become a valid write-in candidate for an elective local
100 district board position is governed by Section 20A-9-601.

101 (f) If at least one person does not file a declaration of candidacy as required by this
102 section, a person shall be appointed to fill that board position by following the procedures and
103 requirements for appointment established in Section 20A-1-512.

104 (g) If only one candidate files a declaration of candidacy and there is no write-in
105 candidate who complies with Section 20A-9-601, the board need not hold an election for that
106 position and may appoint the candidate to the board.

107 (5) (a) A primary election may be held if:

108 (i) the election is authorized by the local district board; and

109 (ii) the number of candidates for a particular local board position or office exceeds
110 twice the number of persons needed to fill that position or office.

111 (b) The primary election shall be conducted:

112 (i) on the same date as the municipal primary election, as provided for in Section
113 20A-1-201.5; and

114 (ii) according to the procedures for municipal primary elections provided under Title
115 20A, Election Code.

116 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
117 candidate names to the clerk of each county in which the local district is located no later than
118 August 20 of the municipal election year.

119 (b) (i) Except as provided in Subsection (6)(c)[;] and in accordance with Section
120 20A-6-305, the clerk of each county in which the local district is located shall coordinate the
121 placement of the name of each candidate for local district office in the nonpartisan section of
122 the municipal general election ballot with the municipal election clerk.

123 (ii) If consolidation of the local district election ballot with the municipal general
124 election ballot is not feasible, the county clerk shall provide for a separate local district election
125 ballot to be administered by poll workers at polling locations designated under Subsection (2).

126 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
127 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

128 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
129 prescribe the form of the ballot for each board member election.

130 (B) Each ballot for an election of an irrigation district board member shall be in a
131 nonpartisan format.

132 (C) The name of each candidate shall be placed on the ballot in the order specified
133 under Section 20A-6-305.

134 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

135 (i) be a registered voter within the district, except for an election of:

136 (A) an irrigation district board of trustees member; or

137 (B) a basic local district board of trustees member who is elected by property owners;

138 and

139 (ii) meet the requirements to vote established by the district.

140 (b) Each voter may vote for as many candidates as there are offices to be filled.

141 (c) The candidates who receive the highest number of votes are elected.

142 (8) Except as otherwise provided by this section, the election of local district board
143 members is governed by Title 20A, Election Code.

144 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
145 beginning at noon on the January 1 after the person's election.

146 (b) A person elected shall be sworn in as soon as practical after January 1.

147 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
148 the county or municipality holding an election under this section for the costs of the election
149 attributable to that local district.

150 (b) Each irrigation district shall bear its own costs of each election it holds under this
151 section.

152 (11) This section does not apply to an improvement district that provides electric or gas
153 service.

154 (12) The provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an
155 election under this section.

156 Section 2. Section **17D-3-309** is amended to read:

157 **17D-3-309. Election of board of supervisors members -- Ballots -- Commission**
158 **duties regarding elections -- Election expenses.**

159 (1) The commission and department shall conduct by mail each election of members of
160 the board of supervisors of a conservation district.

161 (2) (a) No later than five days before the date set for the election of board of
162 supervisors members, the commission shall mail a ballot to each person listed on the
163 supervisor's election mailing list under Section 17D-3-307.

164 (b) Each ballot shall:

165 (i) contain:

166 (A) the names of all nominees for board of supervisors members, listed in [~~alphabetical~~
167 ~~order according to last name~~] the order specified under Section 20A-6-305;

168 (B) a place for the voter to indicate the person or persons for whom the voter is voting;
169 and

170 (C) instructions to the voter on how to mark the ballot to indicate the voter's vote; and
171 (ii) specify the date after which the ballot will not be accepted for purposes of the
172 election.

173 (3) The candidates equal in number to the number of board of supervisors positions
174 available and receiving the highest number of votes are elected as members of the board of
175 supervisors and take office on the date set by the commission for their terms to begin.

176 (4) The commission shall:

177 (a) determine all questions of voter eligibility;

178 (b) certify the count and tally of ballots and votes cast; and

179 (c) declare and certify each board of supervisors member elected.

180 (5) The department shall pay all expenses incident to an election of board of
181 supervisors members.

182 Section 3. Section **20A-5-101** is amended to read:

183 **20A-5-101. Notice of election.**

184 (1) On or before February 1 in each regular general election year, the lieutenant
185 governor shall prepare and transmit a written notice to each county clerk that:

186 (a) designates the offices to be filled at the regular general election;

187 (b) identifies the dates for filing a declaration of candidacy for those offices; ~~and~~

188 (c) includes the master ballot position list for the current year and the next year as
189 established under Section 20A-6-305; and

190 ~~(d)~~ (d) contains a description of any ballot propositions to be decided by the voters
191 that have qualified for the ballot as of that date.

192 (2) (a) No later than February 15, each county clerk shall:

193 (i) publish a notice:

194 (A) once in a newspaper published in that county; and

195 (B) as required in Section 45-1-101; or

196 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
197 give notice of the election to the voters in each voting precinct within the county; and

198 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
199 where the notice was posted.

200 (b) The notice required by Subsection (2)(a) shall:

201 (i) designate the offices to be voted on in that election in that county, other than local
202 district offices; and

203 (ii) identify the dates for filing a declaration of candidacy for those offices.

204 (3) Before each election, the election officer shall give written or printed notice of:

205 (a) the date and place of election;

206 (b) the hours during which the polls will be open;

207 (c) the polling places for each voting precinct; and

208 (d) the qualifications for persons to vote in the election.

209 (4) To provide the notice required by Subsection (3), the election officer shall publish
210 the notice at least two days before the election:

211 (a) in a newspaper of general circulation common to the area or in which the election is
212 being held; and

213 (b) as required in Section 45-1-101.

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

215 **20A-6-301. Paper ballots -- Regular general election.**

216 (1) Each election officer shall ensure that:

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

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

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

223 (iii) ballot stubs are numbered consecutively;

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

- 226 (i) "Official Ballot for ____ County, Utah";
- 227 (ii) the date of the election; and
- 228 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 229 (d) each ticket is placed in a separate column on the ballot in the order [~~determined by~~
 230 ~~the election officer~~] specified under Section 20A-6-305 with the party emblem, followed by the
 231 party name, at the head of the column;
- 232 (e) the party name or title is printed in capital letters not less than [~~1/4~~] one-fourth of an
 233 inch high;
- 234 (f) a circle [~~1/2~~] one-half inch in diameter is printed immediately below the party name
 235 or title, and the top of the circle is placed not less than two inches below the perforated line;
- 236 (g) unaffiliated candidates and candidates not affiliated with a registered political party
 237 are listed in one column in the order specified under Section 20A-6-305, without a party circle,
 238 with the following instructions printed at the head of the column: "All candidates not affiliated
 239 with a political party are listed below. They are to be considered with all offices and
 240 candidates listed to the left. Only one vote is allowed for each office.";
- 241 (h) the columns containing the lists of candidates, including the party name and device,
 242 are separated by heavy parallel lines;
- 243 (i) the offices to be filled are plainly printed immediately above the names of the
 244 candidates for those offices;
- 245 (j) the names of candidates are printed in capital letters, not less than [~~1/8~~] one-eighth
 246 nor more than [~~1/4~~] one-fourth of an inch high in heavy-faced type not smaller than 10 point,
 247 between lines or rules [~~3/8~~] three-eighths of an inch apart;
- 248 (k) a square with sides measuring not less than [~~1/4~~] one-fourth of an inch in length is
 249 printed immediately adjacent to the name of each candidate;
- 250 (l) for the offices of president and vice president and governor and lieutenant governor,
 251 one square with sides measuring not less than [~~1/4~~] one-fourth of an inch in length is printed on
 252 the same side as but opposite a double bracket enclosing the names of the two candidates;
- 253 (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a

254 write-in column long enough to contain as many written names of candidates as there are
255 persons to be elected with:

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

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

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

266 (ii) the words "Write-In Voting Column" printed at the head of the column without a
267 [~~1/2~~] one-half inch circle;

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

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

273 (2) Each election officer shall ensure that:

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

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

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

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

281 (c) the names of the candidates for president and vice president are used on the ballot

282 instead of the names of the presidential electors; and

283 (d) the ballots contain no other names.

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

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

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

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

291 (d) the nonpartisan candidates are grouped according to the office for which they are
292 candidates;

293 (e) the names in each group are placed in [~~alphabetical order~~] the order specified under
294 Section 20A-6-305 with the surnames last[~~; except for candidates for the State Board of~~
295 ~~Education and local school boards~~]; and

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

298 [~~(g) if candidates for membership on a local board of education were selected in a~~
299 ~~primary election, the name of the candidate who received the most votes in the primary election~~
300 ~~is listed first on the ballot;~~]

301 [~~(h) if candidates for membership on a local board of education were not selected in the~~
302 ~~primary election, the names of the candidates are listed on the ballot in the order determined by~~
303 ~~a lottery conducted by the county clerk; and~~]

304 [(~~h~~) (f)] each group is preceded by the designation of the office for which the candidates
305 seek election, and the words, "Vote for one" or "Vote for two or more," according to the
306 number to be elected.

307 (4) Each election officer shall ensure that:

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

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

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

314 Section 5. Section **20A-6-302** is amended to read:

315 **20A-6-302. Paper ballots -- Placement of candidates' names.**

316 (1) Each election officer shall ensure, for paper ballots in regular general elections,
317 that:

318 ~~[(a) except for candidates for state school board and local school boards:]~~

319 ~~[(i)]~~ (a) each candidate is listed by party; ~~[and]~~

320 ~~[(ii)]~~ (b) candidates' surnames are listed in alphabetical order on the ballots when two
321 or more candidates' names are required to be listed on a ticket under the title of an office; and

322 ~~[(b)]~~ (c) the names of candidates ~~[for the State Board of Education]~~ are placed on the
323 ballot ~~[as certified by the lieutenant governor under Section 20A-14-105;]~~ in the order specified
324 under Section 20A-6-305.

325 ~~[(c) if candidates for membership on a local board of education were selected in a~~
326 ~~regular primary election, the name of the candidate who received the most votes in the regular~~
327 ~~primary election is listed first on the ballot; and]~~

328 ~~[(d) if candidates for membership on a local board of education were not selected in the~~
329 ~~regular primary election, the names of the candidates are listed on the ballot in the order~~
330 ~~determined by a lottery conducted by the county clerk.]~~

331 (2) (a) The election officer may not allow the name of a candidate who dies or
332 withdraws before election day to be printed upon the ballots.

333 (b) If the ballots have already been printed, the election officer:

334 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a
335 line through the candidate's name before the ballots are delivered to voters; and

336 (ii) may not count any votes for that dead or withdrawn candidate.

337 (3) (a) When there is only one candidate for county attorney at the regular general

338 election in counties that have three or fewer registered voters of the county who are licensed
339 active members in good standing of the Utah State Bar, the county clerk shall cause that
340 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
341 with the following question: "Shall (name of candidate) be elected to the office of county
342 attorney? Yes ____ No ____."

343 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
344 elected to the office of county attorney.

345 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
346 elected and may not take office, nor may he continue in the office past the end of the term
347 resulting from any prior election or appointment.

348 (d) When the name of only one candidate for county attorney is printed on the ballot
349 under authority of this Subsection (3), the county clerk may not count any write-in votes
350 received for the office of county attorney.

351 (e) If no qualified person files for the office of county attorney or if the candidate is not
352 elected by the voters, the county legislative body shall appoint the county attorney as provided
353 in Section 20A-1-509.2.

354 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
355 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
356 two consecutive terms immediately preceding the term for which the candidate is seeking
357 election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an
358 unopposed candidate the same as any other unopposed candidate for another office, unless a
359 petition is filed with the county clerk before the date of that year's primary election that:

360 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

361 (ii) contains the signatures of registered voters in the county representing in number at
362 least 25% of all votes cast in the county for all candidates for governor at the last election at
363 which a governor was elected.

364 (4) (a) When there is only one candidate for district attorney at the regular general
365 election in a prosecution district that has three or fewer registered voters of the district who are

366 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
367 that candidate's name and party affiliation, if any, to be placed on a separate section of the
368 ballot with the following question: "Shall (name of candidate) be elected to the office of district
369 attorney? Yes ____ No ____."

370 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
371 elected to the office of district attorney.

372 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
373 elected and may not take office, nor may he continue in the office past the end of the term
374 resulting from any prior election or appointment.

375 (d) When the name of only one candidate for district attorney is printed on the ballot
376 under authority of this Subsection (4), the county clerk may not count any write-in votes
377 received for the office of district attorney.

378 (e) If no qualified person files for the office of district attorney, or if the only candidate
379 is not elected by the voters under this subsection, the county legislative body shall appoint a
380 new district attorney for a four-year term as provided in Section 20A-1-509.2.

381 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on
382 the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the
383 two consecutive terms immediately preceding the term for which the candidate is seeking
384 election, Subsection (4)(a) shall not apply and that candidate shall be considered to be an
385 unopposed candidate the same as any other unopposed candidate for another office, unless a
386 petition is filed with the county clerk before the date of that year's primary election that:

- 387 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and
388 (ii) contains the signatures of registered voters in the county representing in number at
389 least 25% of all votes cast in the county for all candidates for governor at the last election at
390 which a governor was elected.

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

392 **20A-6-303. Regular general election -- Ballot sheets.**

393 (1) Each election officer shall ensure that:

- 394 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
395 approximately the same order as paper ballots;
- 396 (b) the titles of offices and the names of candidates are printed in vertical columns or in
397 a series of separate pages;
- 398 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
399 include, after the list of candidates:
- 400 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
401 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 402 (d) (i) a voting square or position is included where the voter may record a straight
403 party ticket vote for all the candidates of one party by one mark or punch; and
404 (ii) the name of each political party listed in the straight party selection area includes
405 the word "party" at the end of the party's name;
- 406 (e) the tickets are printed in the order [~~determined by the county clerk~~] specified under
407 Section 20A-6-305;
- 408 (f) the office titles are printed immediately adjacent to the names of candidates so as to
409 indicate clearly the candidates for each office and the number to be elected;
- 410 (g) the party designation of each candidate is printed immediately adjacent to the
411 candidate's name; and
- 412 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
413 page;
- 414 (ii) if all candidates for one office cannot be listed in one column or grouped on one
415 page:
- 416 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
417 candidates is continued on the following column or page; and
- 418 (B) approximately the same number of names shall be printed in each column or on
419 each page.
- 420 (2) Each election officer shall ensure that:
- 421 (a) proposed amendments to the Utah Constitution are listed in accordance with

422 Section 20A-6-107;

423 (b) ballot propositions submitted to the voters are listed in accordance with Section
424 20A-6-107; and

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

427 Section 7. Section **20A-6-304** is amended to read:

428 **20A-6-304. Regular general election -- Electronic ballots.**

429 (1) Each election officer shall ensure that:

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

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

434 (c) the electronic ballot is of sufficient length to include, after the list of candidates:

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

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

437 (d) (i) a voting square or position is included where the voter may record a straight
438 party ticket vote for all the candidates of one party by making a single selection; and

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

441 (e) the tickets are displayed in the order [~~determined by the county clerk~~] specified
442 under Section 20A-6-305;

443 (f) the office titles are displayed above or at the side of the names of candidates so as to
444 indicate clearly the candidates for each office and the number to be elected;

445 (g) the party designation of each candidate is displayed adjacent to the candidate's
446 name; and

447 (h) if possible, all candidates for one office are grouped in one column or upon one
448 display screen.

449 (2) Each election officer shall ensure that:

450 (a) proposed amendments to the Utah Constitution are displayed in accordance with
451 Section 20A-6-107;

452 (b) ballot propositions submitted to the voters are displayed in accordance with Section
453 20A-6-107; and

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

456 Section 8. Section **20A-6-305** is enacted to read:

457 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
458 **Publication -- Surname -- Exemptions.**

459 (1) As used in this section, "master ballot position list" means an official list of the 26
460 characters in the alphabet listed in random order and numbered from one to 26 as provided
461 under Subsection (2).

462 (2) The lieutenant governor shall:

463 (a) at the beginning of each general election year conduct a random selection to
464 establish the master ballot position list for the current year and the next year in accordance with
465 procedures established under Subsection (2)(c);

466 (b) publish the master ballot position lists on the lieutenant governor's election website
467 on or before February 1 in each regular general election year; and

468 (c) establish written procedures for:

469 (i) the election official to use the master ballot position list; and

470 (ii) the lieutenant governor in:

471 (A) conducting the random selection in a fair manner; and

472 (B) providing a record of the random selection process used.

473 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
474 election officer shall use the master ballot position list for the current year to determine the
475 order in which to list candidates on the ballot for an election held during the year.

476 (4) To determine the order in which to list candidates on the ballot required under
477 Subsection (3), the election officer shall apply the randomized alphabet using:

- 478 (a) the candidate's surname;
- 479 (b) for candidates with a surname that has the same spelling, the candidate's given
- 480 name;
- 481 (c) the surname of the president and the surname of the governor for an election for the
- 482 offices of president and vice president and governor and lieutenant governor; and
- 483 (d) if the ballot provides for a ticket or a straight party ticket, the registered political
- 484 party name.

485 (5) This section does not apply to:

- 486 (a) an election for an office for which only one candidate is listed on the ballot; or
- 487 (b) a judicial retention election under Section 20A-12-201.

488 Section 9. Section **20A-6-401** is amended to read:

489 **20A-6-401. Ballots for municipal primary elections.**

490 (1) Each election officer shall ensure that:

491 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across

492 the top of the ballot;

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

494 stub; and

495 (iii) ballot stubs are numbered consecutively;

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

497 printed in 18 point bold type:

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

499 (ii) the date of the election; and

500 (iii) a facsimile of the signature of the election officer and the election officer's title in

501 eight point type;

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

503 rules separate endorsements from the rest of the ballot;

504 (d) immediately below the horizontal rules, an "Instructions to Voters" section is

505 printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the

506 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
507 office." followed by two one-point parallel rules;

508 (e) after the rules, the designation of the office for which the candidates seek
509 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
510 for two or more" are printed to extend to the extreme right of the column in 10 point bold type,
511 followed by a hair-line rule;

512 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
513 between lines or rules [~~3/8~~] three-eighths inch apart, [~~alphabetically according to surnames~~] in
514 the order specified under Section 20A-6-305 with surnames last and grouped according to the
515 office that they seek;

516 (g) a square with sides not less than [~~1/4~~] one-fourth inch long is printed immediately
517 adjacent to the names of the candidates; and

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

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

521 Section 10. Section **20A-6-401.1** is amended to read:

522 **20A-6-401.1. Ballots for partisan municipal primary elections.**

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

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

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

528 (ii) have sides that are perforated so that the outside sections of the ballot, when
529 detached, are similar in appearance to the inside sections of the ballot when detached; and

530 (iii) contain no captions or other endorsements except as provided in this section;

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

533 (c) the political parties are printed on the ballot in the order [~~determined by the county~~]

534 clerk] specified under Section 20A-6-305;

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

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

539 (iii) ballot stubs are numbered consecutively;

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

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

543 (ii) the date of the election; and

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

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

547 (g) after the party name and emblem, the ballot contains the following printed in not
548 smaller than 10 point bold face, double leaded type: "Instructions to Voters: To vote for a
549 candidate, place a cross (X) in the square immediately adjacent to the name of the person for
550 whom you wish to vote and in no other place. Do not vote for any candidate listed under more
551 than one party or group designation.", followed by two one-point parallel horizontal rules;

552 (h) after the rules, the designation of the office for which the candidates seek
553 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
554 for two or more" are printed to extend to the extreme right of the column in 10 point bold type,
555 followed by a hair-line rule;

556 (i) after the hair-line rule, the names of the candidates are printed in heavy face type
557 between lines or rules [~~3/8~~] three-eighths inch apart, [~~alphabetically according to surnames~~] in
558 the order specified under Section 20A-6-305 with surnames last and grouped according to the
559 office that they seek;

560 (j) a square with sides not less than [~~1/4~~] one-fourth inch long is printed immediately
561 adjacent to the names of the candidates;

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

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

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

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

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

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

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

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

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

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

585 (ii) determine the order for printing the names of the political parties on the ballot label
586 in accordance with Section 20A-6-305.

587 Section 11. Section **20A-6-402** is amended to read:

588 **20A-6-402. Ballots for municipal general elections.**

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

590 ensure that:

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

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

595 (c) for other offices:

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

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

601 (d) the names of the candidates are placed on the ballot in the order specified under
602 Section 20A-6-305;

603 [~~(d)~~] (e) a write-in area is placed upon the ballot that contains, for each office:

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

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

607 [~~(e)~~] (f) ballot propositions that have qualified for the ballot, including propositions
608 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
609 listed on the ballot in accordance with Section 20A-6-107; and

610 [~~(f)~~] (g) bond propositions that have qualified for the ballot are listed on the ballot
611 under the title assigned to each bond proposition under Section 11-14-206.

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

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

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

- 618 (iii) ballot stubs are numbered consecutively;
- 619 (b) immediately below the perforated ballot stub, the following endorsements are
- 620 printed in 18 point bold type:
 - 621 (i) "Official Ballot for ____ (City or Town), Utah";
 - 622 (ii) the date of the election; and
 - 623 (iii) a facsimile of the signature of the election officer and the election officer's title in
 - 624 eight point type;
- 625 (c) immediately below the election officer's title, two one-point parallel horizontal
- 626 rules separate endorsements from the rest of the ballot;
- 627 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
- 628 printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the
- 629 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
- 630 office." followed by two one-point parallel rules;
- 631 (e) after the rules, the designation of the office for which the candidates seek election is
- 632 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or
- 633 more" are printed to extend to the extreme right of the column in 10 point bold type, followed
- 634 by a hair-line rule;
- 635 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
- 636 between lines or rules [~~3/8~~] three-eighths inch apart, [~~alphabetically according to surnames~~] in
- 637 the order specified under Section 20A-6-305 with surnames last and grouped according to the
- 638 office that they seek;
- 639 (g) a square with sides not less than [~~1/4~~] one-fourth inch long is printed immediately
- 640 adjacent to the names of the candidates;
- 641 (h) following the name of the last candidate for each office, the ballot contains:
 - 642 (i) a write-in space for each elective office where the voter may enter the name of a
 - 643 valid write-in candidate; and
 - 644 (ii) a square printed immediately adjacent to the write-in space or line where the voter
 - 645 may vote for the valid write-in candidate; and

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

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

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

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

653 (iii) ballot stubs are numbered consecutively;

654 (b) immediately below the perforated ballot stub, the following endorsements are
655 printed:

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

657 (ii) the date of the election; and

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

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

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

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

667 (f) after the line or border, the names of the candidates are printed [~~alphabetically~~
668 ~~according to surnames~~] in the order specified under Section 20A-6-305 with surnames last and
669 grouped according to the office that they seek;

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

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

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

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

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

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

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

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

681 (ii) the date of the election; and

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

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

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

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

691 (e) after the line or border, the names of the candidates are displayed [~~alphabetically~~
692 ~~according to surnames~~] in the order specified under Section 20A-6-305 with surnames last and
693 grouped according to the office that they seek;

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

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

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

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

702 Section 12. Section **20A-9-403** is amended to read:

703 **20A-9-403. Regular primary elections.**

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

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

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

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

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

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

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

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

720 (ii) certify the name and office of each of its county candidates to the county clerks by
721 5 p.m. on May 13 of each even-numbered year.

722 (c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall
723 send the county clerks a certified list of the names of all statewide or multicounty candidates
724 that must be printed on the primary ballot and the order the candidates are to appear on the
725 ballot in accordance with Section 20A-6-305.

726 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does
727 not wish to participate in the primary election, it shall submit the names of its county
728 candidates to the county clerks and the names of all of its candidates to the lieutenant governor
729 by 5 p.m. on May 30 of each even-numbered year.

730 (ii) A registered political party's candidates for president and vice president of the
731 United States shall be certified to the lieutenant governor as provided in Subsection
732 20A-9-202(4).

733 (e) Each political party shall certify the names of its presidential and vice-presidential
734 candidates and presidential electors to the lieutenant governor's office no later than September
735 8 of each presidential election year.

736 (3) The county clerk shall:

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

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

742 (c) [~~conduct a lottery to~~] determine the order of the candidates' names on the ballot in
743 accordance with Section 20A-6-305.

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

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

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

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

756 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
757 office that represents more than one county, the governor, lieutenant governor, and attorney

758 general shall, at a public meeting called by the governor and in the presence of the candidates
759 involved, select the nominee by lot cast in whatever manner the governor determines.

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

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

768 Section 13. Section **20A-14-105** is amended to read:

769 **20A-14-105. Becoming a candidate for membership on the State Board of**
770 **Education -- Selection of candidates by the governor -- Ballot placement.**

771 (1) By August 1 of each regular general election year, the governor shall:

772 (a) for each state board district subject to election in that year, select two candidates for
773 the State Board of Education from the lists submitted by the state board district nominating and
774 recruiting committee; and

775 (b) certify the names of the two candidates from each school board district to the
776 lieutenant governor.

777 (2) If the governor fails to select two candidates for a state board district by September
778 1, the nominating and recruiting committee shall:

779 (a) select the two candidates; and

780 (b) notify the lieutenant governor of its selections by September 15.

781 (3) ~~[The]~~ In accordance with Section 20A-6-305, the lieutenant governor shall ~~[(a)~~
782 ~~conduct a lottery to determine the order of the candidates' names on the ballot; and (b)]~~ certify
783 the names and order of the names to the county clerks for placement on the nonpartisan section
784 of the ballot.