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BALLOT PLACEMENT AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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



- 28 **20A-5-101**, as last amended by Laws of Utah 2009, Chapter 388
- 29 **20A-6-301**, as last amended by Laws of Utah 2009, Chapter 202
- 30 **20A-6-302**, as last amended by Laws of Utah 2006, Chapter 326
- 31 **20A-6-303**, as last amended by Laws of Utah 2009, Chapter 202
- 32 **20A-6-304**, as last amended by Laws of Utah 2008, Chapters 225 and 315
- 33 **20A-6-401**, as last amended by Laws of Utah 2009, Chapter 202
- 34 **20A-6-401.1**, as last amended by Laws of Utah 2009, Chapter 202
- 35 **20A-6-402**, as last amended by Laws of Utah 2009, Chapter 202
- 36 **20A-9-403**, as last amended by Laws of Utah 2008, Chapter 225
- 37 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315

38 ENACTS:

39 **20A-6-305**, Utah Code Annotated 1953



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

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

43 **17B-1-306. Local district board -- Election procedures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
85 the filing officer shall accept the declaration of candidacy.

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

87 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
88 _____, City of _____, County of _____, State of Utah,
89 (Zip Code) _____, (Telephone Number, if any)_____; that I meet the qualifications

name of

91 the local district); that I am a candidate for that office to be voted upon at the next election, and
92 I hereby request that my name be printed upon the official ballot for that election.

93 (Signed) _____

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

96 (Signed) _____

97 (Clerk or Notary Public)"

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

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

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

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

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

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

110 (b) The primary election shall be conducted:

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

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

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

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

121 the municipal general election ballot with the municipal election clerk.

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

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

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

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

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

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

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

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

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

137 and

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

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

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

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

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

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

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

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

151 (11) This section does not apply to an improvement district that provides electric or gas

152 service.

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

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

156 **17D-3-309. Election of board of supervisors members -- Ballots -- Commission**
157 **duties regarding elections -- Election expenses.**

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

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

163 (b) Each ballot shall:

164 (i) contain:

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

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

169 (C) instructions to the voter on how to mark the ballot to indicate the voter's vote; and

170 (ii) specify the date after which the ballot will not be accepted for purposes of the
171 election.

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

175 (4) The commission shall:

176 (a) determine all questions of voter eligibility;

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

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

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

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

182 **20A-5-101. Notice of election.**

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

185 (a) designates the offices to be filled at the regular general election;
186 (b) identifies the dates for filing a declaration of candidacy for those offices; ~~and~~
187 (c) includes the master ballot position list for the current year and the next year as
188 established under Section 20A-6-305; and

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

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

192 (i) publish a notice:

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

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

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

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

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

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

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

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

204 (a) the date and place of election;

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

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

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

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

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

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

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

214 **20A-6-301. Paper ballots -- Regular general election.**

215 (1) Each election officer shall ensure that:

216 (a) all paper ballots furnished for use at the regular general election contain no captions
217 or other endorsements except as provided in this section;218 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
219 top of the ballot, and divided from the rest of ballot by a perforated line;220 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
221 stub; and

222 (iii) ballot stubs are numbered consecutively;

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

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

226 (ii) the date of the election; and

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

228 (d) each ticket is placed in a separate column on the ballot in the order [~~determined by~~
229 ~~the election officer~~] specified under Section 20A-6-305 with the party emblem, followed by the
230 party name, at the head of the column;231 (e) the party name or title is printed in capital letters not less than [~~1/4~~] one-fourth of an
232 inch high;233 (f) a circle [~~1/2~~] one-half inch in diameter is printed immediately below the party name
234 or title, and the top of the circle is placed not less than two inches below the perforated line;235 (g) unaffiliated candidates and candidates not affiliated with a registered political party
236 are listed in one column in the order specified under Section 20A-6-305, without a party circle,
237 with the following instructions printed at the head of the column: "All candidates not affiliated
238 with a political party are listed below. They are to be considered with all offices and
239 candidates listed to the left. Only one vote is allowed for each office.";240 (h) the columns containing the lists of candidates, including the party name and device,
241 are separated by heavy parallel lines;242 (i) the offices to be filled are plainly printed immediately above the names of the
243 candidates for those offices;244 (j) the names of candidates are printed in capital letters, not less than [~~1/8~~] one-eighth

245 nor more than [~~1/4~~] one-fourth of an inch high in heavy-faced type not smaller than 10 point,
246 between lines or rules [~~3/8~~] three-eighths of an inch apart;

247 (k) a square with sides measuring not less than [~~1/4~~] one-fourth of an inch in length is
248 printed immediately adjacent to the name of each candidate;

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

252 (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a
253 write-in column long enough to contain as many written names of candidates as there are
254 persons to be elected with:

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

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

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

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

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

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

272 (2) Each election officer shall ensure that:

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

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

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

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

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

282 (d) the ballots contain no other names.

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

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

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

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

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

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

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

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

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

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

306 (4) Each election officer shall ensure that:

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

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

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

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

314 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

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

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

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

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

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

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

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

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

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

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

336 (3) (a) When there is only one candidate for county attorney at the regular general
337 election in counties that have three or fewer registered voters of the county who are licensed

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

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

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

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

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

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

- 359 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 360 (ii) contains the signatures of registered voters in the county representing in number at
361 least 25% of all votes cast in the county for all candidates for governor at the last election at
362 which a governor was elected.

363 (4) (a) When there is only one candidate for district attorney at the regular general
364 election in a prosecution district that has three or fewer registered voters of the district who are
365 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
366 that candidate's name and party affiliation, if any, to be placed on a separate section of the
367 ballot with the following question: "Shall (name of candidate) be elected to the office of district
368 attorney? Yes ____ No ____."

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

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

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

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

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

386 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and

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

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

391 **20A-6-303. Regular general election -- Ballot sheets.**

392 (1) Each election officer shall ensure that:

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

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

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

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

- 400 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 401 (d) (i) a voting square or position is included where the voter may record a straight
- 402 party ticket vote for all the candidates of one party by one mark or punch; and
- 403 (ii) the name of each political party listed in the straight party selection area includes
- 404 the word "party" at the end of the party's name;
- 405 (e) the tickets are printed in the order [~~determined by the county clerk~~] specified under
- 406 Section 20A-6-305;
- 407 (f) the office titles are printed immediately adjacent to the names of candidates so as to
- 408 indicate clearly the candidates for each office and the number to be elected;
- 409 (g) the party designation of each candidate is printed immediately adjacent to the
- 410 candidate's name; and
- 411 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
- 412 page;
- 413 (ii) if all candidates for one office cannot be listed in one column or grouped on one
- 414 page:
- 415 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
- 416 candidates is continued on the following column or page; and
- 417 (B) approximately the same number of names shall be printed in each column or on
- 418 each page.
- 419 (2) Each election officer shall ensure that:
- 420 (a) proposed amendments to the Utah Constitution are listed in accordance with
- 421 Section 20A-6-107;
- 422 (b) ballot propositions submitted to the voters are listed in accordance with Section
- 423 20A-6-107; and
- 424 (c) bond propositions that have qualified for the ballot are listed under the title
- 425 assigned to each bond proposition under Section 11-14-206.
- 426 Section 7. Section **20A-6-304** is amended to read:
- 427 **20A-6-304. Regular general election -- Electronic ballots.**
- 428 (1) Each election officer shall ensure that:
- 429 (a) the format and content of the electronic ballot is arranged in approximately the
- 430 same order as paper ballots;

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

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

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

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

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

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

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

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

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

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

448 (2) Each election officer shall ensure that:

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

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

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

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

456 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
457 **publication -- Surname -- Exemptions.**

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

461 (2) The lieutenant governor shall:

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

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

467 (c) establish written procedures for:

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

469 (ii) the lieutenant governor in:

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

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

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

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

477 (a) the candidate's surname;

478 (b) for candidates with a surname that has the same spelling, the candidate's given
479 name;

480 (c) the surname of the president and the surname of the governor for an election for the
481 offices of president and vice president and governor and lieutenant governor; and

482 (d) if the ballot provides for a ticket or a straight party ticket, the registered political
483 party name.

484 (5) This section does not apply to:

485 (a) an election for an office for which only one candidate is listed on the ballot; or

486 (b) a judicial retention election under Section 20A-12-201.

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

488 **20A-6-401. Ballots for municipal primary elections.**

489 (1) Each election officer shall ensure that:

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

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

- 493 stub; and
- 494 (iii) ballot stubs are numbered consecutively;
- 495 (b) immediately below the perforated ballot stub, the following endorsements are
- 496 printed in 18 point bold type:
- 497 (i) "Official Primary Ballot for ____ (City or Town), Utah";
- 498 (ii) the date of the election; and
- 499 (iii) a facsimile of the signature of the election officer and the election officer's title in
- 500 eight point type;
- 501 (c) immediately below the election officer's title, two one-point parallel horizontal
- 502 rules separate endorsements from the rest of the ballot;
- 503 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
- 504 printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the
- 505 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
- 506 office." followed by two one-point parallel rules;
- 507 (e) after the rules, the designation of the office for which the candidates seek
- 508 nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
- 509 for two or more" are printed to extend to the extreme right of the column in 10 point bold type,
- 510 followed by a hair-line rule;
- 511 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
- 512 between lines or rules ~~[3/8]~~ three-eighths inch apart, ~~[alphabetically according to surnames]~~ in
- 513 the order specified under Section 20A-6-305 with surnames last and grouped according to the
- 514 office that they seek;
- 515 (g) a square with sides not less than ~~[1/4]~~ one-fourth inch long is printed immediately
- 516 adjacent to the names of the candidates; and
- 517 (h) the candidate groups are separated from each other by one light and one heavy line
- 518 or rule.
- 519 (2) A municipal primary ballot may not contain any space for write-in votes.
- 520 Section 10. Section **20A-6-401.1** is amended to read:
- 521 **20A-6-401.1. Ballots for partisan municipal primary elections.**
- 522 (1) If a municipality is using paper ballots, each election officer shall ensure that:
- 523 (a) all paper ballots furnished for use at the regular primary election:

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

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

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

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

532 (c) the political parties are printed on the ballot in the order [~~determined by the county~~
533 ~~clerk~~] specified under Section 20A-6-305;

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

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

538 (iii) ballot stubs are numbered consecutively;

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

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

542 (ii) the date of the election; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

587 **20A-6-402. Ballots for municipal general elections.**

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

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

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

594 (c) for other offices:

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

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

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

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

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

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

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

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

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

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

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

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

648 elections, each election officer shall ensure that:

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

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

652 (iii) ballot stubs are numbered consecutively;

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

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

656 (ii) the date of the election; and

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

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

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

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

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

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

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

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

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

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

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

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

- 679 (i) "Official Ballot for ____ (City or Town), Utah";
680 (ii) the date of the election; and
681 (iii) a facsimile of the signature of the election officer and the election officer's title;
682 (b) immediately below the election officer's title, a distinct border or line separates the
683 endorsements from the rest of the ballot;
684 (c) immediately below the border or line, an "Instructions to Voters" section is
685 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
686 the candidate(s) for each respective office." followed by another border or line;
687 (d) after the border or line, the designation of the office for which the candidates seek
688 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,
689 followed by a line or border;
690 (e) after the line or border, the names of the candidates are displayed [~~alphabetically~~
691 ~~according to surnames~~] in the order specified under Section 20A-6-305 with surnames last and
692 grouped according to the office that they seek;
693 (f) a voting square or position is located adjacent to the name of each candidate;
694 (g) following the name of the last candidate for each office, the ballot contains a
695 write-in space where the voter may enter the name of and vote for a valid write-in candidate for
696 the office; and
697 (h) the candidate groups are separated from each other by a line or border.
698 (5) When a municipality has chosen to nominate candidates by convention or
699 committee, the election officer shall ensure that the party name is included with the candidate's
700 name on the ballot.

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

702 **20A-9-403. Regular primary elections.**

- 703 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
704 primary election day.
705 (b) Each registered political party that chooses to use the primary election process to
706 nominate some or all of its candidates shall comply with the requirements of this section.
707 (2) (a) As a condition for using the state's election system, each registered political
708 party that wishes to participate in the primary election shall:
709 (i) declare their intent to participate in the primary election;

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

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

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

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

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

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

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

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

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

735 (3) The county clerk shall:

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

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

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

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

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

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

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

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

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

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

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

768 **20A-14-105. Becoming a candidate for membership on the State Board of**
769 **Education -- Selection of candidates by the governor -- Ballot placement.**

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

771 (a) for each state board district subject to election in that year, select two candidates for

772 the State Board of Education from the lists submitted by the state board district nominating and
773 recruiting committee; and

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

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

778 (a) select the two candidates; and

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

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

Legislative Review Note
as of **2-8-11 5:04 PM**

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 143

SHORT TITLE: **Ballot Placement Amendments**

SPONSOR: **Eliason, S.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.

2/14/2011, 11:58 AM, Lead Analyst: Allred, S./Attorney: ERB

Office of the Legislative Fiscal Analyst