

Senator Lyle W. Hillyard proposes the following substitute bill:

MILITARY AND OVERSEAS VOTING

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill amends and enacts provisions related to elections to provide for military and overseas voting.

Highlighted Provisions:

This bill:

- ▶ changes the period of time in which to file:
 - a declaration of candidacy; or
 - a certificate of nomination;
- ▶ changes the date of the municipal primary;
- ▶ changes the date by which:
 - a political party certifies a candidate for the primary ballot;
 - an ordinance may be adopted for exemption from a primary;
 - a candidate is certified for the ballot; and
 - a certified ballot title is submitted to an election officer;
- ▶ changes dates related to:
 - filling a midterm vacancy; and
 - nominating a State Board of Education member;
- ▶ enacts the Uniform Military and Overseas Voting Act;



26 ▶ designates an email address provided by, or a completed ballot transmitted by, a
27 military or overseas voter as a private record; and

28 ▶ makes technical and conforming amendments.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill takes effect on January 1, 2012.

33 This bill coordinates with H.B. 33, Election Law Revisions, by providing substantive
34 amendments.

35 This bill coordinates with H.B. 230, Disability Amendments, by superseding technical
36 and substantive amendments.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **17B-1-306**, as last amended by Laws of Utah 2010, Chapter 197

40 **20A-1-201.5**, as last amended by Laws of Utah 2007, Chapters 256 and 329

41 **20A-1-503**, as last amended by Laws of Utah 2010, Chapter 165

42 **20A-1-508**, as last amended by Laws of Utah 2010, Chapter 197

43 **20A-1-509.1**, as last amended by Laws of Utah 2010, Chapter 197

44 **20A-2-102.5**, as last amended by Laws of Utah 2008, Chapter 225

45 **20A-3-308**, as last amended by Laws of Utah 2007, Chapter 75

46 **20A-5-409**, as last amended by Laws of Utah 2008, Chapter 225

47 **20A-6-103**, as last amended by Laws of Utah 2002, Chapter 133

48 **20A-6-106**, as enacted by Laws of Utah 2008, Chapters 9 and 315

49 **20A-7-103**, as last amended by Laws of Utah 2008, Chapters 225 and 315

50 **20A-9-202**, as last amended by Laws of Utah 2009, Chapter 119

51 **20A-9-203**, as last amended by Laws of Utah 2010, Chapter 197

52 **20A-9-403**, as last amended by Laws of Utah 2008, Chapter 225

53 **20A-9-404**, as last amended by Laws of Utah 2007, Chapter 256

54 **20A-9-503**, as last amended by Laws of Utah 2010, Chapter 197

55 **20A-9-701**, as last amended by Laws of Utah 2008, Chapter 225

56 **20A-12-201**, as last amended by Laws of Utah 2008, Chapters 93 and 225

57 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315
58 **63G-2-302**, as last amended by Laws of Utah 2010, Chapters 36 and 379

59 ENACTS:

- 60 **20A-16-101**, Utah Code Annotated 1953
- 61 **20A-16-102**, Utah Code Annotated 1953
- 62 **20A-16-103**, Utah Code Annotated 1953
- 63 **20A-16-201**, Utah Code Annotated 1953
- 64 **20A-16-301**, Utah Code Annotated 1953
- 65 **20A-16-302**, Utah Code Annotated 1953
- 66 **20A-16-401**, Utah Code Annotated 1953
- 67 **20A-16-402**, Utah Code Annotated 1953
- 68 **20A-16-403**, Utah Code Annotated 1953
- 69 **20A-16-404**, Utah Code Annotated 1953
- 70 **20A-16-405**, Utah Code Annotated 1953
- 71 **20A-16-408**, Utah Code Annotated 1953
- 72 **20A-16-409**, Utah Code Annotated 1953
- 73 **20A-16-410**, Utah Code Annotated 1953
- 74 **20A-16-501**, Utah Code Annotated 1953
- 75 **20A-16-502**, Utah Code Annotated 1953
- 76 **20A-16-503**, Utah Code Annotated 1953
- 77 **20A-16-504**, Utah Code Annotated 1953
- 78 **20A-16-505**, Utah Code Annotated 1953
- 79 **20A-16-506**, Utah Code Annotated 1953

80 RENUMBERS AND AMENDS:

- 81 **20A-16-202**, (Renumbered from 20A-3-413, as enacted by Laws of Utah 2003, Chapter
- 82 117)
- 83 **20A-16-406**, (Renumbered from 20A-3-409, as last amended by Laws of Utah 1995,
- 84 Chapter 340)
- 85 **20A-16-407**, (Renumbered from 20A-3-410, as last amended by Laws of Utah 2006,
- 86 Chapter 16)

87 REPEALS:

- 88 **20A-3-401**, as last amended by Laws of Utah 2006, Chapter 264
- 89 **20A-3-402**, as enacted by Laws of Utah 1993, Chapter 1
- 90 **20A-3-403**, as last amended by Laws of Utah 2006, Chapter 273
- 91 **20A-3-404**, as last amended by Laws of Utah 2008, Chapter 225
- 92 **20A-3-404.5**, as enacted by Laws of Utah 2001, Chapter 20
- 93 **20A-3-405**, as last amended by Laws of Utah 1993, Chapter 228
- 94 **20A-3-406**, as last amended by Laws of Utah 2010, Chapter 169
- 95 **20A-3-407**, as enacted by Laws of Utah 1993, Chapter 1
- 96 **20A-3-408**, as last amended by Laws of Utah 2002, Chapter 112
- 97 **20A-3-408.5**, as last amended by Laws of Utah 2009, Chapter 191
- 98 **20A-3-411**, as enacted by Laws of Utah 1993, Chapter 1
- 99 **20A-3-412**, as enacted by Laws of Utah 1993, Chapter 1

Utah Code Sections Affected by Coordination Clause:

- 101 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315
- 102 **20A-16-407**, (Renumbered from 20A-3-410, as last amended by Laws of Utah 2006,
- 103 Chapter 16)

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

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

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

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

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

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

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

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

(ii) Each polling place designated by an irrigation district board under Subsection

119 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
120 (2)(a)(ii).

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

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

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

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

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

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

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

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

134 (4) (a) To become a candidate for an elective local district board position, the
135 prospective candidate shall file a declaration of candidacy in person with the local district,
136 during office hours and not later than the close of normal office hours between [~~July~~] June 1
137 and [~~July~~] June 15 of any odd-numbered year.

138 (b) When [~~July~~] June 15 is a Saturday, Sunday, or holiday, the filing time shall be
139 extended until the close of normal office hours on the following regular business day.

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

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

144 (B) require the candidate to state whether or not the candidate meets those
145 requirements.

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

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

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

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

157 (Signed) _____

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

160 (Signed) _____

161 (Clerk or Notary Public)"

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

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

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

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

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

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

174 (b) The primary election shall be conducted:

175 (i) on the same date as the municipal primary election, as provided for in Section
176 20A-1-201.5; and

177 (ii) according to the procedures for municipal primary elections provided under Title
178 20A, Election Code.

179 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
180 candidate names to the clerk of each county in which the local district is located no later than

181 [~~August~~] July 20 of the municipal election year.

182 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the
183 local district is located shall coordinate the placement of the name of each candidate for local
184 district office in the nonpartisan section of the municipal general election ballot with the
185 municipal election clerk.

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

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

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

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

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

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

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

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

199 and

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

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

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

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

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

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

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

211 (b) Each irrigation district shall bear its own costs of each election it holds under this

212 section.

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

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

217 Section 2. Section **20A-1-201.5** is amended to read:

218 **20A-1-201.5. Primary election dates.**

219 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
220 of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for
221 national, state, school board, and county offices.

222 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
223 following the first Monday in [~~September~~] August before the regular municipal election to
224 nominate persons for municipal offices.

225 (3) The Western States Presidential Primary election shall be held throughout the state
226 on the first Tuesday in February in the year in which a presidential election will be held.

227 Section 3. Section **20A-1-503** is amended to read:

228 **20A-1-503. Midterm vacancies in the Legislature.**

229 (1) As used in this section:

230 (a) "Filing deadline" means the final date for filing:

231 (i) a declaration of candidacy as provided in Section 20A-9-202; and

232 (ii) a certificate of nomination as provided in Section 20A-9-503.

233 (b) "Party liaison" means the political party officer designated to serve as a liaison with
234 the lieutenant governor on all matters relating to the political party's relationship with the state
235 as required by Section 20A-8-401.

236 (2) When a vacancy occurs for any reason in the office of representative in the
237 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
238 name was submitted by the party liaison of the same political party as the prior representative.

239 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
240 the office of senator in the Legislature, it shall be filled for the unexpired term at the next
241 regular general election.

242 (b) The governor shall fill the vacancy until the next regular general election by

243 immediately appointing the person whose name was submitted by the party liaison of the same
244 political party as the prior senator.

245 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
246 before [~~September 1~~] August 31 of an even-numbered year in which the term of office does not
247 expire, the lieutenant governor shall:

248 (i) establish a date, that is before the date for a candidate to be certified for the ballot
249 under Section 20A-9-701 and no later than 21 days after the day on which the vacancy
250 occurred, by which a person intending to obtain a position on the ballot for the vacant office
251 shall file:

252 (A) a declaration of candidacy; or

253 (B) a certificate of nomination; and

254 (ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):

255 (A) on the lieutenant governor's website; and

256 (B) to each registered political party.

257 (b) A person intending to obtain a position on the ballot for the vacant office shall:

258 (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or
259 certificate of nomination according to the procedures and requirements of Chapter 9, Candidate
260 Qualifications and Nominating Procedures; and

261 (ii) run in the regular general election if:

262 (A) nominated as a party candidate; or

263 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
264 Qualifications and Nominating Procedures.

265 (c) If a vacancy described in Subsection (3)(a) occurs on or after [~~May 1~~] the first
266 Monday after the third Saturday in April and before [~~September 1~~] August 31 of an
267 even-numbered year in which the term of office does not expire, a party liaison from each
268 registered political party may submit a name of a person described in Subsection (4)(b) to the
269 lieutenant governor by August [~~31~~] 30 for placement on the regular general election ballot.

270 (5) If a vacancy described in Subsection (3)(a) occurs on or after [~~September 1~~] August
271 31 of an even-numbered year in which a term does not expire, the governor shall fill the
272 vacancy for the unexpired term by immediately appointing the person whose name was
273 submitted by the party liaison of the same political party as the prior senator.

274 Section 4. Section **20A-1-508** is amended to read:

275 **20A-1-508. Midterm vacancies in county elected offices.**

276 (1) As used in this section:

277 (a) "County offices" includes the county executive, members of the county legislative
278 body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county
279 recorder, the county surveyor, and the county assessor.

280 (b) "County offices" does not mean the offices of president and vice president of the
281 United States, United States senators and representatives, members of the Utah Legislature,
282 state constitutional officers, county attorneys, district attorneys, and judges.

283 (2) (a) Until a replacement is selected as provided in this section and has qualified, the
284 county legislative body shall appoint an interim replacement to fill the vacant office by
285 following the procedures and requirements of this Subsection (2).

286 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
287 of the vacancy to the county central committee of the same political party of the prior office
288 holder and invite that committee to submit the names of three nominees to fill the vacancy.

289 (ii) That county central committee shall, within 30 days, submit the names of three
290 nominees for the interim replacement to the county legislative body.

291 (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint
292 one of those nominees to serve out the unexpired term.

293 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
294 vacancy within 45 days, the county clerk shall send to the governor a letter that:

295 (A) informs the governor that the county legislative body has failed to appoint a
296 replacement within the statutory time period; and

297 (B) contains the list of nominees submitted by the party central committee.

298 (ii) The governor shall appoint an interim replacement from that list of nominees to fill
299 the vacancy within 30 days after receipt of the letter.

300 (d) A person appointed as interim replacement under this Subsection (2) shall hold
301 office until their successor is elected and has qualified.

302 (3) (a) The requirements of this Subsection (3) apply to all county offices that become
303 vacant if:

304 (i) the vacant office has an unexpired term of two years or more; and

305 (ii) the vacancy occurs after the election at which the person was elected but before
306 April 10 of the next even-numbered year.

307 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk
308 shall notify the public and each registered political party that the vacancy exists.

309 (ii) All persons intending to become candidates for the vacant office shall:

310 (A) file a declaration of candidacy according to the procedures and requirements of
311 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

312 (B) if nominated as a party candidate or qualified as an independent or write-in
313 candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general
314 election.

315 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
316 vacant if:

317 (i) the vacant office has an unexpired term of two years or more; and

318 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than [50]
319 75 days before the regular primary election.

320 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
321 shall notify the public and each registered political party that:

322 (A) the vacancy exists; and

323 (B) identifies the date and time by which a person interested in becoming a candidate
324 must file a declaration of candidacy.

325 (ii) All persons intending to become candidates for the vacant offices shall, within five
326 days after the date that the notice is made, ending at the close of normal office hours on the
327 fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2,
328 Candidate Qualifications and Declarations of Candidacy.

329 (iii) The county central committee of each party shall:

330 (A) select a candidate or candidates from among those qualified candidates who have
331 filed declarations of candidacy; and

332 (B) certify the name of the candidate or candidates to the county clerk at least [35] 60
333 days before the regular primary election.

334 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
335 vacant:

336 (i) if the vacant office has an unexpired term of two years or more; and
337 (ii) when [50] 75 days or less remain before the regular primary election but more than
338 [50] 65 days remain before the regular general election.

339 (b) When the conditions established in Subsection (5)(a) are met, the county central
340 committees of each political party registered under this title that wishes to submit a candidate
341 for the office shall summarily certify the name of one candidate to the county clerk for
342 placement on the regular general election ballot.

343 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
344 vacant:

345 (i) if the vacant office has an unexpired term of less than two years; or
346 (ii) if the vacant office has an unexpired term of two years or more but [50] 65 days or
347 less remain before the next regular general election.

348 (b) (i) When the conditions established in Subsection (6)(a) are met, the county
349 legislative body shall give notice of the vacancy to the county central committee of the same
350 political party as the prior office holder and invite that committee to submit the names of three
351 nominees to fill the vacancy.

352 (ii) That county central committee shall, within 30 days, submit the names of three
353 nominees to fill the vacancy to the county legislative body.

354 (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint
355 one of those nominees to serve out the unexpired term.

356 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy within
357 45 days, the county clerk shall send to the governor a letter that:

358 (A) informs the governor that the county legislative body has failed to appoint a person
359 to fill the vacancy within the statutory time period; and

360 (B) contains the list of nominees submitted by the party central committee.

361 (ii) The governor shall appoint a person to fill the vacancy from that list of nominees to
362 fill the vacancy within 30 days after receipt of the letter.

363 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office
364 until their successor is elected and has qualified.

365 (7) Except as otherwise provided by law, the county legislative body may appoint
366 replacements to fill all vacancies that occur in those offices filled by appointment of the county

367 legislative body.

368 (8) Nothing in this section prevents or prohibits independent candidates from filing a
369 declaration of candidacy for the office within the same time limits.

370 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a
371 county office shall serve for the remainder of the unexpired term of the person who created the
372 vacancy and until a successor is elected and qualified.

373 (b) Nothing in this section may be construed to contradict or alter the provisions of
374 Section 17-16-6.

375 Section 5. Section **20A-1-509.1** is amended to read:

376 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
377 **or more attorneys.**

378 (1) When a vacancy occurs in the office of county or district attorney in a county or
379 district having 15 or more attorneys who are licensed active members in good standing with the
380 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

381 (2) (a) The requirements of this Subsection (2) apply when the office of county
382 attorney or district attorney becomes vacant and:

383 (i) the vacant office has an unexpired term of two years or more; and

384 (ii) the vacancy occurs before the third [~~Friday~~] Thursday in March of the
385 even-numbered year.

386 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
387 notify the public and each registered political party that the vacancy exists.

388 (c) All persons intending to become candidates for the vacant office shall:

389 (i) file a declaration of candidacy according to the procedures and requirements of
390 [~~Title 20A,~~] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

391 (ii) if nominated as a party candidate or qualified as an independent or write-in
392 candidate under [~~Title 20A,~~] Chapter 9, Candidate Qualifications and Nominating Procedures,
393 run in the regular general election; and

394 (iii) if elected, complete the unexpired term of the person who created the vacancy.

395 (d) If the vacancy occurs after the second Friday in March and before the third [~~Friday~~]
396 Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202
397 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b),

398 but no later than the fourth [~~Friday~~] Thursday in March.

399 (3) (a) The requirements of this Subsection (3) apply when the office of county
400 attorney or district attorney becomes vacant and:

401 (i) the vacant office has an unexpired term of two years or more; and

402 (ii) the vacancy occurs after the third [~~Friday~~] Thursday in March of the
403 even-numbered year but more than [~~50~~] 75 days before the regular primary election.

404 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
405 shall:

406 (i) notify the public and each registered political party that the vacancy exists; and

407 (ii) identify the date and time by which a person interested in becoming a candidate
408 must file a declaration of candidacy.

409 (c) All persons intending to become candidates for the vacant office shall:

410 (i) within five days after the date that the notice is made, ending at [~~at~~] the close of
411 normal office hours on the fifth day, file a declaration of candidacy for the vacant office as
412 required by [~~Title 20A,~~] Chapter 9, Part 2, Candidate Qualifications and [~~Nominating~~
413 ~~Procedures~~] Declaration of Candidacy; and

414 (ii) if elected, complete the unexpired term of the person who created the vacancy.

415 (d) The county central committee of each party shall:

416 (i) select a candidate or candidates from among those qualified candidates who have
417 filed declarations of candidacy; and

418 (ii) certify the name of the candidate or candidates to the county clerk at least [~~35~~] 60
419 days before the regular primary election.

420 (4) (a) The requirements of this Subsection (4) apply when the office of county
421 attorney or district attorney becomes vacant and:

422 (i) the vacant office has an unexpired term of two years or more; and

423 (ii) [~~50~~] 75 days or less remain before the regular primary election but more than [~~50~~]
424 65 days remain before the regular general election.

425 (b) When the conditions established in Subsection (4)(a) are met, the county central
426 committees of each registered political party that wish to submit a candidate for the office shall
427 summarily certify the name of one candidate to the county clerk for placement on the regular
428 general election ballot.

429 (c) The candidate elected shall complete the unexpired term of the person who created
430 the vacancy.

431 (5) (a) The requirements of this Subsection (5) apply when the office of county
432 attorney or district attorney becomes vacant and:

433 (i) the vacant office has an unexpired term of less than two years; or

434 (ii) the vacant office has an unexpired term of two years or more but [50] 65 days or
435 less remain before the next regular general election.

436 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
437 body shall give notice of the vacancy to the county central committee of the same political
438 party of the prior officeholder and invite that committee to submit the names of three nominees
439 to fill the vacancy.

440 (c) That county central committee shall, within 30 days of receiving notice from the
441 county legislative body, submit to the county legislative body the names of three nominees to
442 fill the vacancy.

443 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
444 one of those nominees to serve out the unexpired term.

445 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
446 days, the county clerk shall send to the governor a letter that:

447 (i) informs the governor that the county legislative body has failed to appoint a person
448 to fill the vacancy within the statutory time period; and

449 (ii) contains the list of nominees submitted by the party central committee.

450 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
451 within 30 days after receipt of the letter.

452 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the
453 unexpired term of the person who created the vacancy.

454 (6) Nothing in this section prevents or prohibits independent candidates from filing a
455 declaration of candidacy for the office within the required time limits.

456 Section 6. Section **20A-2-102.5** is amended to read:

457 **20A-2-102.5. Voter registration deadline.**

458 (1) Except as provided in Section 20A-2-201 [~~and in Title 20A, Chapter 3, Part 4,~~
459 ~~Voting by Members of the Military and by Other Persons Living or Serving Abroad~~] and

460 Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to submit a
461 correctly completed voter registration form on or before the voter registration deadline shall not
462 be permitted to vote in the election.

463 (2) The voter registration deadline shall be the date that is 30 calendar days before the
464 date of the election.

465 Section 7. Section **20A-3-308** is amended to read:

466 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition.**

467 (1) (a) Voting precinct poll workers shall open envelopes containing absentee ballots
468 that are in their custody on election day at the polling places during the time the polls are open
469 as provided in this Subsection (1).

470 (b) The poll workers shall:

471 (i) first, open the outer envelope only; and

472 (ii) compare the signature of the voter on the application with the signature on the
473 affidavit.

474 (2) (a) The poll workers shall carefully open and remove the absentee voter envelope
475 so as not to destroy the affidavit on the envelope if they find that:

476 (i) the affidavit is sufficient;

477 (ii) the signatures correspond; and

478 (iii) the applicant is registered to vote in that voting precinct and has not voted in that
479 election.

480 (b) If, after opening the absentee voter envelope, the poll worker finds that a
481 provisional ballot envelope is enclosed, the poll worker shall:

482 (i) record, in the official register, whether [~~or not~~];

483 (A) the voter included valid voter identification; or

484 (B) a covered voter, as defined in Section 20A-16-102, did not provide valid voter
485 identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;

486 (ii) if any type of identification was included, record the type of identification provided
487 by the voter in the appropriate space in the official register;

488 (iii) record the provisional ballot number on the official register; and

489 (iv) place the provisional ballot envelope with the other provisional ballot envelopes to
490 be transmitted to the county clerk.

- 491 (c) If the absentee ballot is not a provisional ballot, the poll workers shall:
- 492 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to
- 493 be opened or examined;
- 494 (ii) initial the stub in the same manner as for other ballots;
- 495 (iii) remove the stub from the ballot;
- 496 (iv) deposit the ballot in the ballot box; and
- 497 (v) mark the official register and pollbook to show that the voter has voted.
- 498 (3) If the poll workers determine that the affidavit is insufficient, or that the signatures
- 499 do not correspond, or that the applicant is not a registered voter in the voting precinct, they
- 500 shall:
- 501 (a) disallow the vote; and
- 502 (b) without opening the absentee voter envelope, mark across the face of the envelope:
- 503 (i) "Rejected as defective"; or
- 504 (ii) "Rejected as not a registered voter."
- 505 (4) The poll workers shall deposit the absentee voter envelope, when the absentee
- 506 ballot is voted, and the absentee voter envelope with its contents unopened when the absent
- 507 vote is rejected, in the ballot box containing the ballots.
- 508 (5) The election officer shall retain and preserve the absentee voter envelopes in the
- 509 manner provided by law for the retention and preservation of official ballots voted at that
- 510 election.

511 Section 8. Section **20A-5-409** is amended to read:

512 **20A-5-409. Certification of candidates to county clerks.**

513 No later than [~~September 8~~] August 31 of each regular general election year, the

514 lieutenant governor shall certify to each county clerk the name of each candidate qualified to be

515 printed on the regular general election ballot for that county clerk's county.

516 Section 9. Section **20A-6-103** is amended to read:

517 **20A-6-103. Internet voting pilot project.**

518 Notwithstanding any other provisions of this title, any county may, if selected by the

519 Department of Defense, participate in the Federal Voting Assistance Program pilot project to

520 allow [~~military and voters overseas as defined by Section 20A-3-403~~] a covered voter as

521 defined in Section 20A-16-102 to register to vote and cast their votes electronically.

522 Section 10. Section **20A-6-106** is amended to read:

523 **20A-6-106. Deadline for submission of ballot titles.**

524 Unless otherwise specifically provided for by statute, the certified ballot title of each
525 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer no
526 later than [~~60~~] 65 days before the date of the election at which the matter will be submitted to
527 the voters.

528 Section 11. Section **20A-7-103** is amended to read:

529 **20A-7-103. Constitutional amendments and other questions submitted by the**
530 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

531 (1) The procedures contained in this section govern when the Legislature submits a
532 proposed constitutional amendment or other question to the voters.

533 (2) In addition to the publication in the voter information pamphlet required by Section
534 20A-7-702, the lieutenant governor shall, not more than 60 days or less than 14 days before the
535 date of the election, publish the full text of the amendment, question, or statute in at least one
536 newspaper in every county of the state where a newspaper is published.

537 (3) The legislative general counsel shall:

538 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___"
539 and assign it a letter according to the requirements of Section 20A-6-107;

540 (b) entitle each proposed question " Proposition Number ___" with the number assigned
541 to the proposition under Section 20A-6-107 placed in the blank;

542 (c) draft and designate a ballot title for each proposed amendment or question
543 submitted by the Legislature that summarizes the subject matter of the amendment or question;
544 and

545 (d) deliver each number and title to the lieutenant governor.

546 (4) The lieutenant governor shall certify the number and ballot title of each amendment
547 or question to the county clerk of each county no later than [~~50~~] 65 days before the date of the
548 election.

549 (5) The county clerk of each county shall:

550 (a) ensure that both the number and title of each amendment and question is printed on
551 the sample ballots and official ballots; and

552 (b) publish them as provided by law.

553 Section 12. Section **20A-9-202** is amended to read:

554 **20A-9-202. Declarations of candidacy for regular general elections --**

555 **Requirements for candidates.**

556 (1) (a) Each person seeking to become a candidate for elective office for any county
557 office that is to be filled at the next regular general election shall:

558 (i) file a declaration of candidacy in person with the county clerk on or after the second
559 Friday in March and before 5 p.m. on the third [~~Friday~~] Thursday in March before the next
560 regular general election; and

561 (ii) pay the filing fee.

562 (b) Each person intending to become a candidate for any legislative office or
563 multicounty office that is to be filled at the next regular general election shall:

564 (i) file a declaration of candidacy in person with either the lieutenant governor or the
565 county clerk in the candidate's county of residence on or after the second Friday in March and
566 before 5 p.m. on the third [~~Friday~~] Thursday in March before the next regular general election;
567 and

568 (ii) pay the filing fee.

569 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for
570 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
571 candidacy to the lieutenant governor within one working day after it is filed.

572 (ii) Each day during the filing period, each county clerk shall notify the lieutenant
573 governor electronically or by telephone of legislative candidates who have filed in their office.

574 (d) Each person seeking to become a candidate for elective office for any federal office
575 or constitutional office that is to be filled at the next regular general election shall:

576 (i) file a declaration of candidacy in person with the lieutenant governor on or after the
577 second Friday in March and before 5 p.m. on the third [~~Friday~~] Thursday in March before the
578 next regular general election; and

579 (ii) pay the filing fee.

580 (e) Each person seeking the office of lieutenant governor, the office of district attorney,
581 or the office of President or Vice President of the United States shall comply with the specific
582 declaration of candidacy requirements established by this section.

583 (2) (a) Each person intending to become a candidate for the office of district attorney

584 within a multicounty prosecution district that is to be filled at the next regular general election
585 shall:

586 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
587 creating the prosecution district on or after the second Friday in March and before 5 p.m. on the
588 third [~~Friday~~] Thursday in March before the next regular general election; and

589 (ii) pay the filing fee.

590 (b) The designated clerk shall provide to the county clerk of each county in the
591 prosecution district a certified copy of each declaration of candidacy filed for the office of
592 district attorney.

593 (3) (a) Within five working days of nomination, each lieutenant governor candidate
594 shall:

595 (i) file a declaration of candidacy with the lieutenant governor; and

596 (ii) pay the filing fee.

597 (b) (i) Any candidate for lieutenant governor who fails to file within five working days
598 is disqualified.

599 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to
600 replace the disqualified candidate.

601 (4) Each registered political party shall:

602 (a) certify the names of its candidates for President and Vice President of the United
603 States to the lieutenant governor no later than [~~September 8~~] August 31; or

604 (b) provide written authorization for the lieutenant governor to accept the certification
605 of candidates for President and Vice President of the United States from the national office of
606 the registered political party.

607 (5) (a) A declaration of candidacy filed under this section is valid unless a written
608 objection is filed with the clerk or lieutenant governor within five days after the last day for
609 filing.

610 (b) If an objection is made, the clerk or lieutenant governor shall:

611 (i) mail or personally deliver notice of the objection to the affected candidate
612 immediately; and

613 (ii) decide any objection within 48 hours after it is filed.

614 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the

615 problem by amending the declaration or petition within three days after the objection is
616 sustained or by filing a new declaration within three days after the objection is sustained.

617 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

618 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
619 by a district court if prompt application is made to the court.

620 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
621 of its discretion, agrees to review the lower court decision.

622 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
623 filing a written affidavit with the clerk.

624 Section 13. Section **20A-9-203** is amended to read:

625 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

626 (1) (a) (i) A person may become a candidate for any municipal office if:

627 (A) the person is a registered voter; and

628 (B) (I) the person has resided within the municipality in which that person seeks to
629 hold elective office for the 12 consecutive months immediately before the date of the election;
630 or

631 (II) if the territory in which the person resides was annexed into the municipality, the
632 person has resided within the annexed territory or the municipality the 12 consecutive months
633 immediately before the date of the election.

634 (ii) For purposes of determining whether a person meets the residency requirement of
635 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
636 the election, the municipality shall be considered to have been incorporated 12 months before
637 the date of the election.

638 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal
639 council position shall, if elected from a district, be a resident of the council district from which
640 elected.

641 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
642 incompetent person, any person convicted of a felony, or any person convicted of treason or a
643 crime against the elective franchise may not hold office in this state until the right to hold
644 elective office is restored under Section 20A-2-101.5.

645 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to

646 become a candidate for a municipal office shall:

647 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
648 office hours and not later than the close of normal office hours, between [~~July~~] June 1 and
649 [~~July~~] June 15 of any odd-numbered year; and

650 (ii) pay the filing fee, if one is required by municipal ordinance.

651 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
652 persons registered to vote in the municipality on the January 1 of the municipal election year.

653 (ii) A third, fourth, or fifth class city that used the convention system to nominate
654 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
655 process contained in this Subsection (2)(b) in the last municipal election or a town that used the
656 convention system to nominate candidates in the last municipal election as authorized by
657 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
658 municipal election may, by ordinance, require, in lieu of the convention system, that candidates
659 for municipal office file a nominating petition signed by a percentage of registered voters at the
660 same time that the candidate files a declaration of candidacy.

661 (iii) The ordinance shall specify the number of signatures that the candidate must
662 obtain on the nominating petition in order to become a candidate for municipal office under
663 this Subsection (2), but that number may not exceed 5% of registered voters.

664 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

665 (i) filing a nomination petition with the city recorder or town clerk during office hours,
666 but not later than the close of normal office hours, between [~~July~~] June 1 and [~~July~~] June 15 of
667 any odd-numbered year; and

668 (ii) paying the filing fee, if one is required by municipal ordinance.

669 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
670 petition, the filing officer shall:

671 (i) read to the prospective candidate or person filing the petition the constitutional and
672 statutory qualification requirements for the office that the candidate is seeking; and

673 (ii) require the candidate or person filing the petition to state whether or not the
674 candidate meets those requirements.

675 (b) If the prospective candidate does not meet the qualification requirements for the
676 office, the filing officer may not accept the declaration of candidacy or nomination petition.

677 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
678 filing officer shall:

679 (i) inform the candidate that the candidate's name will appear on the ballot as it is
680 written on the declaration of candidacy;

681 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
682 for the office the candidate is seeking and inform the candidate that failure to comply will
683 result in disqualification as a candidate and removal of the candidate's name from the ballot;

684 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
685 Electronic Voter Information Website Program and inform the candidate of the submission
686 deadline under Subsection 20A-7-801(4)(a);

687 (iv) provide the candidate with a copy of the pledge of fair campaign practices
688 described under Section 20A-9-206 and inform the candidate that:

689 (A) signing the pledge is voluntary; and

690 (B) signed pledges shall be filed with the filing officer; and

691 (v) accept the declaration of candidacy or nomination petition.

692 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
693 officer shall:

694 (i) accept the candidate's pledge; and

695 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
696 candidate's pledge to the chair of the county or state political party of which the candidate is a
697 member.

698 (4) The declaration of candidacy shall substantially comply with the following form:

699 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
700 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
701 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
702 the legal qualifications required of candidates for this office. I will file all campaign financial
703 disclosure reports as required by law and I understand that failure to do so will result in my
704 disqualification as a candidate for this office and removal of my name from the ballot. I
705 request that my name be printed upon the applicable official ballots. (Signed)

706 _____

707 Subscribed and sworn to (or affirmed) before me by _____ on this

708 _____(month\day\year).

709 (Signed) _____ (Clerk or other officer qualified to administer oath)"

710 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
711 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
712 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
713 for municipal office by submitting a petition signed by:

- 714 (i) 25 residents of the municipality who are at least 18 years old; or
- 715 (ii) 20% of the residents of the municipality who are at least 18 years old.

716 (b) (i) The petition shall substantially conform to the following form:

717 "NOMINATION PETITION

718 The undersigned residents of (name of municipality) being 18 years old or older
719 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
720 applicable)."

721 (ii) The remainder of the petition shall contain lines and columns for the signatures of
722 persons signing the petition and their addresses and telephone numbers.

723 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
724 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
725 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
726 signed by the same percentage of registered voters in the municipality as required by the
727 ordinance passed under authority of Subsection (2)(b).

728 (b) (i) The petition shall substantially conform to the following form:

729 "NOMINATION PETITION

730 The undersigned residents of (name of municipality) being 18 years old or older
731 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
732 whichever is applicable)."

733 (ii) The remainder of the petition shall contain lines and columns for the signatures of
734 persons signing the petition and their addresses and telephone numbers.

735 (7) If the declaration of candidacy or nomination petition fails to state whether the
736 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
737 the four-year term.

738 (8) (a) The clerk shall verify with the county clerk that all candidates are registered

739 voters.

740 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
741 print the candidate's name on the ballot.

742 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
743 clerk shall:

744 (a) cause the names of the candidates as they will appear on the ballot to be published:

745 (i) in at least two successive publications of a newspaper with general circulation in the
746 municipality; and

747 (ii) as required in Section 45-1-101; and

748 (b) notify the lieutenant governor of the names of the candidates as they will appear on
749 the ballot.

750 (10) A declaration of candidacy or nomination petition filed under this section may not
751 be amended after the expiration of the period for filing a declaration of candidacy.

752 (11) (a) A declaration of candidacy or nomination petition filed under this section is
753 valid unless a written objection is filed with the clerk within five days after the last day for
754 filing.

755 (b) If an objection is made, the clerk shall:

756 (i) mail or personally deliver notice of the objection to the affected candidate
757 immediately; and

758 (ii) decide any objection within 48 hours after it is filed.

759 (c) If the clerk sustains the objection, the candidate may correct the problem by
760 amending the declaration or petition within three days after the objection is sustained or by
761 filing a new declaration within three days after the objection is sustained.

762 (d) (i) The clerk's decision upon objections to form is final.

763 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
764 prompt application is made to the district court.

765 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
766 of its discretion, agrees to review the lower court decision.

767 (12) Any person who filed a declaration of candidacy and was nominated, and any
768 person who was nominated by a nomination petition, may, any time up to 23 days before the
769 election, withdraw the nomination by filing a written affidavit with the clerk.

770 Section 14. Section **20A-9-403** is amended to read:

771 **20A-9-403. Regular primary elections.**

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

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

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

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

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

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

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

786 (i) certify the name and office of all of the registered political party's candidates to the
787 lieutenant governor no later than 5 p.m. ~~on May 13~~ on the first Monday after the third
788 Saturday in April of each even-numbered year; and

789 (ii) certify the name and office of each of its county candidates to the county clerks by
790 5 p.m. on ~~May 13~~ the first Monday after the third Saturday in April of each even-numbered
791 year.

792 (c) By 5 p.m. on ~~May 16~~ the first Wednesday after the third Saturday in April of each
793 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
794 names of all statewide or multicounty candidates that must be printed on the primary ballot.

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

799 (ii) A registered political party's candidates for President and Vice-President of the
800 United States shall be certified to the lieutenant governor as provided in Subsection

801 20A-9-202(4).

802 (e) Each political party shall certify the names of its presidential and vice-presidential
803 candidates and presidential electors to the lieutenant governor's office no later than ~~§~~→ [September
804 8] August 31 ←~~§~~ of each presidential election year.

805 (3) The county clerk shall:

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

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

811 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

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

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

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

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

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

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

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

836 Section 15. Section **20A-9-404** is amended to read:

837 **20A-9-404. Municipal primary elections.**

838 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
839 all municipalities shall be nominated at a municipal primary election.

840 (b) Municipal primary elections shall be held:

841 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
842 Monday in the [~~September~~] August before the regular municipal election; and

843 (ii) whenever possible, at the same polling places as the regular municipal election.

844 (2) If the number of candidates for a particular municipal office does not exceed twice
845 the number of persons needed to fill that office, a primary election for that office may not be
846 held and the candidates are considered nominated.

847 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
848 of voters or delegates.

849 (b) (i) By ordinance adopted before the [~~June~~] May 1 that falls before a regular
850 municipal election, any third, fourth, or fifth class city or town may exempt itself from a
851 primary election by providing that the nomination of candidates for municipal office to be
852 voted upon at a municipal election be nominated by a political party convention or committee.

853 (ii) Any primary election exemption ordinance adopted under the authority of this
854 subsection remains in effect until repealed by ordinance.

855 (c) (i) A convention or committee may not nominate more than one group of
856 candidates or have placed on the ballot more than one group of candidates for the municipal
857 offices to be voted upon at the municipal election.

858 (ii) A convention or committee may nominate a person who has been nominated by a
859 different convention or committee.

860 (iii) A political party may not have more than one group of candidates placed upon the
861 ballot and may not group the same candidates on different tickets by the same party under a
862 different name or emblem.

863 (d) (i) The convention or committee shall prepare a certificate of nomination for each
864 person nominated.

865 (ii) The certificate of nomination shall:

866 (A) contain the name of the office for which each person is nominated, the name, post
867 office address, and, if in a city, the street number of residence and place of business, if any, of
868 each person nominated;

869 (B) designate in not more than five words the political party that the convention or
870 committee represents;

871 (C) contain a copy of the resolution passed at the convention that authorized the
872 committee to make the nomination;

873 (D) contain a statement certifying that the name of the candidate nominated by the
874 political party will not appear on the ballot as a candidate for any other political party;

875 (E) be signed by the presiding officer and secretary of the convention or committee;
876 and

877 (F) contain a statement identifying the residence and post office address of the
878 presiding officer and secretary and certifying that the presiding officer and secretary were
879 officers of the convention or committee and that the certificates are true to the best of their
880 knowledge and belief.

881 (iii) Certificates of nomination shall be filed with the clerk not later than the sixth
882 Tuesday before the November municipal election.

883 (e) A committee appointed at a convention, if authorized by an enabling resolution,
884 may also make nominations or fill vacancies in nominations made at a convention.

885 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
886 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
887 be included with the candidate's name.

888 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the [~~June~~]
889 May 1 that falls before the regular municipal election that:

890 (i) exempts the city from the other methods of nominating candidates to municipal
891 office provided in this section; and

892 (ii) provides for a partisan primary election method of nominating candidates as
893 provided in this Subsection (4).

894 (b) (i) Any party that was a registered political party at the last regular general election
895 or regular municipal election is a municipal political party under this section.

896 (ii) Any political party may qualify as a municipal political party by presenting a
897 petition to the city recorder that:

898 (A) is signed by registered voters within the municipality equal to at least 20% of the
899 number of votes cast for all candidates for mayor in the last municipal election at which a
900 mayor was elected;

901 (B) is filed with the city recorder by the seventh Tuesday before the date of the
902 municipal primary election;

903 (C) is substantially similar to the form of the signature sheets described in Section
904 20A-7-303; and

905 (D) contains the name of the municipal political party using not more than five words.

906 (c) (i) If the number of candidates for a particular office does not exceed twice the
907 number of offices to be filled at the regular municipal election, no partisan primary election for
908 that office shall be held and the candidates are considered to be nominated.

909 (ii) If the number of candidates for a particular office exceeds twice the number of
910 offices to be filled at the regular municipal election, those candidates for municipal office shall
911 be nominated at a partisan primary election.

912 (d) The clerk shall ensure that:

913 (i) the partisan municipal primary ballot is similar to the ballot forms required by
914 Sections 20A-6-401 and 20A-6-401.1;

915 (ii) the candidates for each municipal political party are listed in one or more columns
916 under their party name and emblem;

917 (iii) the names of candidates of all parties are printed on the same ballot, but under
918 their party designation;

919 (iv) every ballot is folded and perforated so as to separate the candidates of one party
920 from those of the other parties and so as to enable the elector to separate the part of the ballot
921 containing the names of the party of his choice from the remainder of the ballot; and

922 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
923 when detached, are similar in appearance to inside sections when detached.

924 (e) After marking a municipal primary ballot, the voter shall:

925 (i) detach the part of the ballot containing the names of the candidates of the party he
926 has voted from the rest of the ballot;

927 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
928 and

929 (iii) fold the remainder of the ballot containing the names of the candidates of the
930 parties for whom the elector did not vote and deposit it in the blank ballot box.

931 (f) Immediately after the canvass, the election judges shall, without examination,
932 destroy the tickets deposited in the blank ballot box.

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

934 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

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

937 (a) between the second Friday in March and the close of normal office hours on the
938 third [~~Friday~~] Thursday in March of the year in which the regular general election will be held,
939 file the petition in person with:

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

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

943 (iii) pay the filing fee; or

944 (b) not later than the close of normal office hours on [~~July~~] June 15 of any
945 odd-numbered year, file the petition in person with:

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

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

948 (iii) pay the filing fee.

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

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

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

955 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for

956 President or Vice President of the United States:

957 (i) may file the certificate of nomination between the second Friday in March and the
958 close of normal office hours on August 15 of the year in which the regular general election will
959 be held; and

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

961 Section 17. Section **20A-9-701** is amended to read:

962 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

963 (1) No later than [~~September 8~~] August 31 of each regular general election year, the
964 lieutenant governor shall certify to each county clerk the names of each candidate, including
965 candidates for president and vice president, certified by each registered political party as that
966 party's nominees for offices to be voted upon at the regular general election in that county
967 clerk's county.

968 (2) The names shall be certified by the lieutenant governor and shall be displayed on
969 the ballot as they are provided on the candidate's declaration of candidacy.

970 Section 18. Section **20A-12-201** is amended to read:

971 **20A-12-201. Judicial appointees -- Retention elections.**

972 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election
973 at the first general election held more than three years after the judge or justice was appointed.

974 (b) After the first retention election:

975 (i) each Supreme Court justice shall be on the regular general election ballot for an
976 unopposed retention election every tenth year; and

977 (ii) each judge of other courts shall be on the regular general election ballot for an
978 unopposed retention election every sixth year.

979 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in
980 the year the justice or judge is subject to a retention election:

981 (i) file a declaration of candidacy as if a candidate for multi-county office in
982 accordance with Section 20A-9-202; and

983 (ii) pay a filing fee of \$50.

984 (b) Each justice court judge who wishes to retain office shall, in the year the justice
985 court judge is subject to a retention election:

986 (i) file a declaration of candidacy as if a candidate for county office in accordance with

987 Section 20A-9-202; and

988 (ii) pay a filing fee of \$25.

989 (3) (a) The lieutenant governor shall, no later than [~~September 8~~] August 31 of each
990 regular general election year:

991 (i) transmit a certified list containing the names of the justices of the Supreme Court
992 and judges of the Court of Appeals declaring their candidacy to the county clerk of each
993 county; and

994 (ii) transmit a certified list containing the names of judges of other courts declaring
995 their candidacy to the county clerk of each county in the geographic division in which the judge
996 filing the declaration holds office.

997 (b) Each county clerk shall place the names of justices and judges standing for
998 retention election in the nonpartisan section of the ballot.

999 (4) At the general election, the ballots shall contain, as to each justice or judge of any
1000 court to be voted on in the county, the following question:

1001 "Shall _____(name of justice or judge) be retained in the
1002 office of _____?" (name of office, such as "Justice of the Supreme
1003 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
1004 Third Judicial District;" "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "
1005 Justice Court Judge of (name of county) County or (name of municipality)")

1006 Yes ()

1007 No ()."

1008 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
1009 is retained for the term of office provided by law.

1010 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
1011 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
1012 regular general election.

1013 (6) A justice or judge not retained is ineligible for appointment to the office for which
1014 the justice or judge was defeated until after the expiration of that term of office.

1015 Section 19. Section **20A-14-105** is amended to read:

1016 **20A-14-105. Becoming a candidate for membership on the State Board of**
1017 **Education -- Selection of candidates by the governor -- Ballot placement.**

- 1018 (1) By August 1 of each regular general election year, the governor shall:
- 1019 (a) for each state board district subject to election in that year, select two candidates for
- 1020 the State Board of Education from the lists submitted by the state board district nominating and
- 1021 recruiting committee; and
- 1022 (b) certify the names of the two candidates from each school board district to the
- 1023 lieutenant governor.
- 1024 (2) If the governor fails to select two candidates for a state board district by
- 1025 ~~September~~ August 1, the nominating and recruiting committee shall:
- 1026 (a) select the two candidates; and
- 1027 (b) notify the lieutenant governor of its selections by ~~September 15~~ August 31.
- 1028 (3) The lieutenant governor shall:
- 1029 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and
- 1030 (b) certify the names and order of the names to the county clerks for placement on the
- 1031 nonpartisan section of the ballot.

1032 Section 20. Section **20A-16-101** is enacted to read:

1033 **CHAPTER 16. UNIFORM MILITARY AND OVERSEAS VOTERS ACT**

1034 **Part 1. General Provisions**

1035 **20A-16-101. Title.**

1036 This chapter is known as, "Uniform Military and Overseas Voters Act."

1037 Section 21. Section **20A-16-102** is enacted to read:

1038 **20A-16-102. Definitions.**

1039 As used in this chapter:

1040 (1) "Covered voter" means:

1041 (a) a uniformed-service voter or an overseas voter who is registered to vote in the state;

1042 or

1043 (b) a uniformed-service voter whose voting residence is in the state and who otherwise
1044 satisfies the state's voter eligibility requirements.

1045 (2) "Dependent" means an individual recognized as a dependent by a uniformed
1046 service.

1047 (3) "Federal postcard application" means the application prescribed under the
1048 Uniformed and Overseas Citizens Absentee Voting Act, Sec. 101(b)(2), 42 U.S.C. Sec.

1049 1973ff(b)(2).

1050 (4) "Federal write-in absentee ballot" means the ballot described in the Uniformed and
1051 Overseas Citizens Absentee Voting Act, Sec. 103, 42 U.S.C. Sec. 1973ff-2.

1052 (5) "Military-overseas ballot" means:

1053 (a) a federal write-in absentee ballot;

1054 (b) a ballot specifically prepared or distributed for use by a covered voter in accordance
1055 with this chapter; or

1056 (c) a ballot cast by a covered voter in accordance with this chapter.

1057 (6) "Overseas voter" means a United States citizen who is outside the United States.

1058 (7) "State" means a state of the United States, the District of Columbia, Puerto Rico,
1059 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
1060 of the United States.

1061 (8) "Uniformed service" means:

1062 (a) active and reserve components of the Army, Navy, Air Force, Marine Corps, or
1063 Coast Guard of the United States;

1064 (b) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1065 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1066 States; or

1067 (c) the National Guard.

1068 (9) "Uniformed-service voter" means an individual who is qualified to vote and is:

1069 (a) a member of the active or reserve components of the Army, Navy, Air Force,
1070 Marine Corps, or Coast Guard of the United States who is on active duty;

1071 (b) a member of the Merchant Marine, the commissioned corps of the Public Health
1072 Service, or the commissioned corps of the National Oceanic and Atmospheric Administration
1073 of the United States;

1074 (c) a member on activated status of the National Guard; or

1075 (d) a spouse or dependent of a member referred to in Subsections (9)(a) through (c).

1076 (10) "United States" means the several states, the District of Columbia, Puerto Rico,
1077 the United States Virgin Islands, and any territory or insular possession subject to the
1078 jurisdiction of the United States.

1079 Section 22. Section **20A-16-103** is enacted to read:

1080 **20A-16-103. Application to elections.**

1081 The voting procedures in this chapter apply to an election authorized by this title.

1082 Section 23. Section **20A-16-201** is enacted to read:

1083 **Part 2. Administration of Military and Overseas Voting**

1084 **20A-16-201. Duties of lieutenant governor.**

1085 The lieutenant governor shall:

1086 (1) implement this chapter and the state's responsibilities under the Uniformed and
1087 Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff et seq.;

1088 (2) make available to covered voters information regarding voter registration
1089 procedures for covered voters and procedures for casting military-overseas ballots;

1090 (3) establish an electronic transmission system through which a covered voter may
1091 apply for and receive voter registration materials, military-overseas ballots, and other
1092 information under this chapter;

1093 (4) (a) develop standardized absentee-voting materials, including privacy and
1094 transmission envelopes and electronic equivalents of the envelopes, authentication materials,
1095 and voting instructions, to be used with the military-overseas ballot of a voter authorized to
1096 vote in any jurisdiction in the state; and

1097 (b) to the extent reasonably possible, coordinate with other states on the development
1098 required by Subsection (4)(a); and

1099 (5) prescribe the form and content of a declaration:

1100 (a) for use by a covered voter to swear or affirm specific representations pertaining to
1101 the voter's identity, eligibility to vote, status as a covered voter, and timely and proper
1102 completion of an overseas-military ballot;

1103 (b) that is based on the declaration prescribed to accompany a federal write-in absentee
1104 ballot, as modified to be consistent with this chapter; and

1105 (c) that is a prominent part of all balloting materials for which the declaration is
1106 required, including an indication of the date of execution of the declaration.

1107 Section 24. Section **20A-16-202**, which is renumbered from Section 20A-3-413 is
1108 renumbered and amended to read:

1109 ~~[20A-3-413].~~ **20A-16-202. Report on absentee ballots.**

1110 (1) Not later than 60 days after each regular general election, each county clerk shall

1111 submit a report to the lieutenant governor indicating:

1112 (a) the number of ballots sent to [~~military and overseas citizen~~] covered voters; and

1113 (b) the number of ballots returned by [~~military and overseas citizen~~] covered voters that
1114 were counted.

1115 (2) Not later than 90 days after each regular general election, the lieutenant governor
1116 shall submit a statewide report to the Election Assistance Commission that includes the
1117 information required by Subsection (1).

1118 Section 25. Section **20A-16-301** is enacted to read:

1119 **Part 3. Voter Registration**

1120 **20A-16-301. Overseas voter's registration address.**

1121 In registering to vote, an overseas voter who is eligible to vote in the state shall:

1122 (1) use and be assigned to the voting precinct of the address of the last place of
1123 residence of the voter in the state; or

1124 (2) if the address described in Subsection (1) is no longer a recognized residential
1125 address, be assigned an address for voting purposes.

1126 Section 26. Section **20A-16-302** is enacted to read:

1127 **20A-16-302. Methods of registering to vote.**

1128 (1) To apply to register to vote, in addition to any other approved method, a covered
1129 voter may use a federal postcard application or the application's electronic equivalent.

1130 (2) (a) A covered voter may use the declaration accompanying a federal write-in
1131 absentee ballot to apply to register to vote simultaneously with the submission of the federal
1132 write-in absentee ballot, if the declaration is received by the Friday immediately before the
1133 election.

1134 (b) If the declaration is received after the Friday immediately before the election, the
1135 declaration shall be treated as an application to register to vote for subsequent elections.

1136 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
1137 described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard
1138 application and any other approved electronic registration application sent to the appropriate
1139 election official.

1140 (b) The voter may use the electronic transmission system or any other approved
1141 method to register to vote.

1142 Section 27. Section **20A-16-401** is enacted to read:

1143 **Part 4. Voting and Ballots**

1144 **20A-16-401. Methods of applying for military-overseas ballots.**

1145 (1) A covered voter who is registered to vote in the state may apply for a
1146 military-overseas ballot using:

1147 (a) an absentee ballot application under Section 20A-3-304; or

1148 (b) (i) the federal postcard application; or

1149 (ii) the federal postcard application's electronic equivalent.

1150 (2) A covered voter who is not registered to vote in this state may use a federal
1151 postcard application or the federal postcard application's electronic equivalent to apply
1152 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

1153 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
1154 described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal
1155 postcard application and any other approved electronic military-overseas ballot application sent
1156 to the appropriate election official.

1157 (b) The voter may use the electronic transmission system or any other approved
1158 method to apply for a military-overseas ballot.

1159 (4) A covered voter may use the declaration accompanying a federal write-in absentee
1160 ballot as an application for a military-overseas ballot simultaneously with the submission of the
1161 federal write-in absentee ballot, if the declaration is received by the appropriate election official
1162 by the Friday immediately before the election.

1163 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
1164 election official that the voter is a covered voter by:

1165 (a) the use of a federal postcard application or federal write-in absentee ballot;

1166 (b) the use of an overseas address on an approved voter registration application or
1167 ballot application; or

1168 (c) the inclusion on an approved voter registration application or ballot application of
1169 other information sufficient to identify the voter as a covered voter.

1170 (6) This chapter does not preclude a covered voter from voting under Chapter 3, Part 3,
1171 Absentee Voting.

1172 Section 28. Section **20A-16-402** is enacted to read:

1173 **20A-16-402. Timeliness and scope of application for military-overseas ballot.**

1174 (1) An application for a military-overseas ballot is timely if received by the Friday
1175 immediately before the election.

1176 (2) An application for a military-overseas ballot for a regular primary election or
1177 municipal primary election, whether or not timely, is effective as an application for a
1178 military-overseas ballot for the regular general election or municipal general election.

1179 Section 29. Section **20A-16-403** is enacted to read:

1180 **20A-16-403. Transmission of unvoted ballots.**

1181 (1) For an election for which the state has not received a waiver pursuant to the
1182 Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later
1183 than 45 days before the election or, notwithstanding Section 20A-1-401, if the 45th day before
1184 the election is a weekend or holiday, not later than the business day preceding the 45th day, the
1185 election official in each jurisdiction charged with distributing a ballot and balloting materials
1186 shall transmit a ballot and balloting materials to all covered voters who by that date submit a
1187 valid military-overseas ballot application.

1188 (2) (a) A covered voter who requests that a ballot and balloting materials be sent to the
1189 voter by electronic transmission may choose:

1190 (i) facsimile transmission;

1191 (ii) email delivery; or

1192 (iii) if offered by the voter's jurisdiction, Internet delivery.

1193 (b) The election official in each jurisdiction charged with distributing a ballot and
1194 balloting materials shall transmit the ballot and balloting materials to the voter using the means
1195 of transmission chosen by the voter.

1196 (3) If a ballot application from a covered voter arrives after the jurisdiction begins
1197 transmitting ballots and balloting materials to voters, the official charged with distributing a
1198 ballot and balloting materials shall transmit them to the voter not later than two business days
1199 after the application arrives.

1200 Section 30. Section **20A-16-404** is enacted to read:

1201 **20A-16-404. Timely casting of ballot.**

1202 To be valid, a military-overseas ballot shall be:

1203 (1) received by the appropriate election officer not later than the close of the polls; or

1204 (2) submitted for mailing, electronic transmission, or other authorized means of
1205 delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date
1206 of the election.

1207 Section 31. Section **20A-16-405** is enacted to read:

1208 **20A-16-405. Federal write-in absentee ballot.**

1209 A covered voter may use a federal write-in absentee ballot to vote for all offices and
1210 ballot propositions in an election.

1211 Section 32. Section **20A-16-406**, which is renumbered from Section 20A-3-409 is
1212 renumbered and amended to read:

1213 ~~[20A-3-409].~~ **20A-16-406. Disposition of ballot by county clerk.**

1214 (1) Upon receipt by the county clerk of the envelope containing ~~[the]~~ a
1215 military-overseas ballot, the county clerk shall:

1216 (a) enclose the unopened envelope containing the ballot and the written application of
1217 the ~~[military or overseas citizen]~~ covered voter in a larger envelope;

1218 (b) securely seal and endorse it with:

1219 (i) the name or number of the proper voting precinct;

1220 (ii) the name and official title of the clerk;

1221 (iii) the words: "This envelope contains an absentee voter's official Utah election ballot
1222 to be voted at ____ (Insert Name and Number) precinct, in ____ (Insert Name) county, and
1223 may be opened on election day at the polls while the polls are open."; and

1224 (c) safely keep the envelope in ~~[his]~~ the county clerk's office until ~~[it]~~ the envelope is
1225 delivered by ~~[him]~~ the county clerk to the proper election judges.

1226 (2) (a) When reasonably possible, the county clerk shall deliver or mail all ~~[military or~~
1227 ~~overseas citizen]~~ military-overseas voter ballot envelopes to the appropriate voting precinct
1228 election judges so that ~~[they]~~ the ballots may be processed on election day.

1229 (b) If the clerk is unable to determine the voting precinct to which the ballot should be
1230 sent or when valid ballots are received too late to deliver to the election judges on election day,
1231 the clerk shall keep them in a safe place until delivery can be made as required by Section
1232 20A-3-309.

1233 Section 33. Section **20A-16-407**, which is renumbered from Section 20A-3-410 is
1234 renumbered and amended to read:

1235 ~~[20A-3-410].~~ 20A-16-407. Duty of election judges.

1236 (1) (a) Voting precinct election judges shall open envelopes containing [~~military-or~~
1237 ~~overseas citizen voter~~] military-overseas ballots that are in [~~their~~] the judges' custody on
1238 election day at the polling places during the time the polls are open as provided in this
1239 subsection.

1240 (b) The election judges shall:

1241 (i) first, open the outer envelope only; and

1242 (ii) [~~unless the ballot is a disabled military or overseas citizen voter's ballot,~~] compare
1243 the signature of the [~~military or overseas citizen~~] covered voter on the application with the
1244 signature on the registration and voting certificate.

1245 (2) (a) The judges shall register the [~~military or overseas citizen~~] covered voter to vote
1246 if the voter is not already registered if the judges find that:

1247 (i) the registration and voting certificate appears to be executed in proper form and
1248 contains information qualifying the [~~military or overseas citizen~~] covered voter to be registered
1249 as a voter; and

1250 (ii) the signatures on the certificate and the application correspond, where a
1251 comparison is required.

1252 (b) If the election judges determine that the registration and voting certificate is
1253 insufficient or that the signatures do not correspond, they shall:

1254 (i) disallow the registration; and

1255 (ii) without opening the ballot envelope, mark across the face of the envelope
1256 "Rejected as defective because of _____ ." with the reason for the rejection placed in the
1257 blank.

1258 (c) When a [~~military or overseas citizen~~] covered voter's name is entered upon the
1259 registration books, the voter is considered to be registered and the registration and voting
1260 certificate, signed and sworn to by the [~~military or overseas citizen~~] covered voter on the back
1261 of the ballot envelope, together with [~~his~~] the covered voter's name upon the registration books,
1262 constitute [~~his~~] the covered voter's registration record.

1263 (d) Nothing in this title may abridge the right of the [~~military or overseas citizen~~]
1264 covered voter to be registered as provided in this section.

1265 (3) (a) After registering the voter, the judges shall carefully open the ballot envelope so

1266 as not to destroy the information printed on it if they find that:

1267 (i) the registration and voting certificate is sufficient; and

1268 (ii) the signatures on the certificate and the application correspond, where a
1269 comparison is required.

1270 (b) The election judges shall:

1271 (i) remove the ballot from the envelope without unfolding it or permitting it to be
1272 opened or examined;

1273 (ii) initial the stub in the same manner as for other ballots;

1274 (iii) deposit the ballot in the proper ballot box; and

1275 (iv) mark the official register and pollbook to show that the voter has voted.

1276 (c) If the election judges determine that the registration and voting certificate is
1277 insufficient or that the signatures do not correspond, they shall:

1278 (i) disallow the vote; and

1279 (ii) without opening the ballot envelope, mark across the face of the envelope
1280 "Rejected as defective because of _____ ." with the reason for the rejection placed in the
1281 blank.

1282 (4) The election judges shall deposit the envelope, when the ballot is voted, and the
1283 envelope with its contents unopened, when the absent vote is rejected, in the ballot box
1284 containing the ballots.

1285 (5) The county clerk shall retain and preserve the envelopes in the manner provided by
1286 law for the retention and preservation of official ballots voted at that election.

1287 Section 34. Section **20A-16-408** is enacted to read:

1288 **20A-16-408. Receipt of voted ballot.**

1289 (1) A valid military-overseas ballot cast in accordance with Section 20A-16-404 shall
1290 be counted if the military-overseas ballot is delivered by the end of business on the business
1291 day before the latest deadline for completing the canvass to the address that the appropriate
1292 state or local election office has specified.

1293 (2) If, at the time of completing a military-overseas ballot and balloting materials, the
1294 voter has declared under penalty of perjury as provided in Title 76, Chapter 8, Part 5,
1295 Falsification in Official Matters, that the ballot was timely submitted, the ballot may not be
1296 rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

1297 Section 35. Section **20A-16-409** is enacted to read:

1298 **20A-16-409. Declaration.**

1299 A military-overseas ballot shall include or be accompanied by:

1300 (1) a declaration signed by a covered voter that a material misstatement of fact in
1301 completing the ballot may be grounds for a conviction of perjury under the laws of the United
1302 States or Title 76, Chapter 8, Part 5, Falsification in Official Matters; and

1303 (2) the following statement if the military-overseas ballot is electronically transmitted:

1304 "I understand that by electronically transmitting my voted ballot I am voluntarily waiving my
1305 right to a secret ballot. Signature of voter _____ Date _____".

1306 Section 36. Section **20A-16-410** is enacted to read:

1307 **20A-16-410. Confirmation of receipt of application and voted ballot.**

1308 The lieutenant governor, in coordination with an election officer, shall implement an
1309 electronic free-access system by which a covered voter may determine by telephone, electronic
1310 mail, or Internet:

1311 (1) whether the voter's federal postcard application or other registration or
1312 military-overseas ballot application has been received and accepted;

1313 (2) whether the voter's military-overseas ballot has been received; and

1314 (3) the current status of the ballot.

1315 Section 37. Section **20A-16-501** is enacted to read:

1316 **Part 5. Miscellaneous**

1317 **20A-16-501. Use of voter's email address.**

1318 (1) An election officer shall request an email address from each covered voter who
1319 registers to vote after January 1, 2012.

1320 (2) An email address provided by a covered voter:

1321 (a) is a private record under Section 63G-2-302; and

1322 (b) may be used only for official communication with the covered voter about the
1323 voting process, including transmitting military-overseas ballots and election materials if the
1324 voter has requested electronic transmission, and verifying the voter's mailing address and
1325 physical location.

1326 (3) The request for an email address shall:

1327 (a) describe the purposes for which the email address may be used; and

1328 (b) include a statement that any other use or disclosure of the email address is
1329 prohibited.

1330 (4) (a) A covered voter who provides an email address may request that the covered
1331 voter's application for a military-overseas ballot be considered a standing request for electronic
1332 delivery of a ballot for all elections held through December 31 of the year following the
1333 calendar year of the date of the application or another shorter period the covered voter
1334 specifies.

1335 (b) An election official shall provide a military-overseas ballot to a covered voter who
1336 makes a standing request for each election to which the request is applicable.

1337 (c) A covered voter who is entitled to receive a military-overseas ballot for a primary
1338 election under this Subsection (4) is entitled to receive a military-overseas ballot for the general
1339 election.

1340 Section 38. Section **20A-16-502** is enacted to read:

1341 **20A-16-502. Publication of election notice.**

1342 (1) At least 100 days before an election, other than a statewide special election or local
1343 special election, and as soon as practicable before a statewide special election or local special
1344 election, the election officer shall prepare an election notice for the election officer's
1345 jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

1346 (2) The election notice must contain:

1347 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
1348 that date the election officer expects to be on the ballot on the date of the election; and

1349 (b) specific instructions for how a covered voter is to indicate on the federal write-in
1350 absentee ballot the covered voter's choice for each office to be filled and for each ballot
1351 proposition to be contested.

1352 (3) (a) A covered voter may request a copy of an election notice.

1353 (b) The election officer shall send the notice to the covered voter by facsimile, email,
1354 or regular mail, as the covered voter requests.

1355 (4) As soon as the ballot is certified, and not later than the date ballots are required to
1356 be transmitted to voters under Chapter 3, Part 3, Absentee Voting, the official charged with
1357 preparing the election notice under Subsection (1) shall update the notice with the certified
1358 candidates for each office and ballot propositions questions and make the updated notice

1359 publicly available.

1360 (5) A political subdivision that maintains a website shall make the election notice
1361 prepared under this section and updated versions of the election notice regularly available on
1362 the website.

1363 Section 39. Section **20A-16-503** is enacted to read:

1364 **20A-16-503. Prohibition of nonsubstantive requirements.**

1365 (1) (a) If a covered voter's mistake or omission in the completion of a document under
1366 this chapter does not prevent determining whether a covered voter is eligible to vote, the
1367 mistake or omission does not invalidate the document.

1368 (b) Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of
1369 a specified size or weight, does not invalidate a document submitted under this chapter.

1370 (c) In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on
1371 a regular ballot, if the intention of the covered voter is discernable under this state's uniform
1372 definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in
1373 the form of the name of a candidate or a political party is a valid vote.

1374 (2) (a) Notarization is not required for the execution of a document under this chapter.

1375 (b) (i) An authentication, other than the declaration specified in Section 20A-16-409 or
1376 the declaration on the federal postcard application and federal write-in absentee ballot, is not
1377 required for execution of a document under this chapter.

1378 (ii) The declaration and any information in the declaration may be compared with
1379 information on file to ascertain the validity of the document.

1380 Section 40. Section **20A-16-504** is enacted to read:

1381 **20A-16-504. Equitable relief.**

1382 A court may issue an injunction or grant other equitable relief appropriate to ensure
1383 substantial compliance with, or enforce, this chapter on application by:

1384 (1) a covered voter alleging a grievance under this chapter; or

1385 (2) an election officer.

1386 Section 41. Section **20A-16-505** is enacted to read:

1387 **20A-16-505. Uniformity of application and construction.**

1388 In applying and construing this uniform act, consideration shall be given to the need to
1389 promote uniformity of the law with respect to its subject matter among states that enact it.

1390 Section 42. Section **20A-16-506** is enacted to read:

1391 **20A-16-506. Relation to Electronic Signatures in Global and National Commerce**

1392 **Act.**

1393 This chapter modifies, limits, and supersedes the Electronic Signatures in Global and

1394 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede

1395 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the

1396 notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

1397 Section 43. Section **63G-2-302** is amended to read:

1398 **63G-2-302. Private records.**

1399 (1) The following records are private:

1400 (a) records concerning an individual's eligibility for unemployment insurance benefits,
1401 social services, welfare benefits, or the determination of benefit levels;

1402 (b) records containing data on individuals describing medical history, diagnosis,
1403 condition, treatment, evaluation, or similar medical data;

1404 (c) records of publicly funded libraries that when examined alone or with other records
1405 identify a patron;

1406 (d) records received by or generated by or for:

1407 (i) the Independent Legislative Ethics Commission, except for:

1408 (A) the commission's summary data report that is required under legislative rule; and

1409 (B) any other document that is classified as public under legislative rule; or

1410 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
1411 unless the record is classified as public under legislative rule;

1412 (e) records received or generated for a Senate confirmation committee concerning
1413 character, professional competence, or physical or mental health of an individual:

1414 (i) if prior to the meeting, the chair of the committee determines release of the records:

1415 (A) reasonably could be expected to interfere with the investigation undertaken by the
1416 committee; or

1417 (B) would create a danger of depriving a person of a right to a fair proceeding or
1418 impartial hearing; and

1419 (ii) after the meeting, if the meeting was closed to the public;

1420 (f) employment records concerning a current or former employee of, or applicant for

1421 employment with, a governmental entity that would disclose that individual's home address,
1422 home telephone number, Social Security number, insurance coverage, marital status, or payroll
1423 deductions;

1424 (g) records or parts of records under Section 63G-2-303 that a current or former
1425 employee identifies as private according to the requirements of that section;

1426 (h) that part of a record indicating a person's Social Security number or federal
1427 employer identification number if provided under Section 31A-23a-104, 31A-25-202,
1428 31A-26-202, 58-1-301, 61-1-4, or 61-2f-203;

1429 (i) that part of a voter registration record identifying a voter's driver license or
1430 identification card number, Social Security number, or last four digits of the Social Security
1431 number;

1432 (j) a record that:

1433 (i) contains information about an individual;

1434 (ii) is voluntarily provided by the individual; and

1435 (iii) goes into an electronic database that:

1436 (A) is designated by and administered under the authority of the Chief Information
1437 Officer; and

1438 (B) acts as a repository of information about the individual that can be electronically
1439 retrieved and used to facilitate the individual's online interaction with a state agency;

1440 (k) information provided to the Commissioner of Insurance under:

1441 (i) Subsection 31A-23a-115(2)(a);

1442 (ii) Subsection 31A-23a-302(3); or

1443 (iii) Subsection 31A-26-210(3);

1444 (l) information obtained through a criminal background check under Title 11, Chapter
1445 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

1446 (m) information provided by an offender that is:

1447 (i) required by the registration requirements of Section 77-27-21.5; and

1448 (ii) not required to be made available to the public under Subsection 77-27-21.5(27);

1449 [~~and~~]

1450 (n) a statement and any supporting documentation filed with the attorney general in
1451 accordance with Section 34-45-107, if the federal law or action supporting the filing involves

1452 homeland security[-];

1453 (o) an email address provided by a military or overseas voter under Section

1454 20A-16-501; and

1455 (p) a completed military-overseas ballot that is electronically transmitted under Title

1456 20A, Chapter 16, Uniform Military and Overseas Voters Act.

1457 (2) The following records are private if properly classified by a governmental entity:

1458 (a) records concerning a current or former employee of, or applicant for employment

1459 with a governmental entity, including performance evaluations and personal status information

1460 such as race, religion, or disabilities, but not including records that are public under Subsection

1461 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);

1462 (b) records describing an individual's finances, except that the following are public:

1463 (i) records described in Subsection 63G-2-301(2);

1464 (ii) information provided to the governmental entity for the purpose of complying with

1465 a financial assurance requirement; or

1466 (iii) records that must be disclosed in accordance with another statute;

1467 (c) records of independent state agencies if the disclosure of those records would

1468 conflict with the fiduciary obligations of the agency;

1469 (d) other records containing data on individuals the disclosure of which constitutes a

1470 clearly unwarranted invasion of personal privacy;

1471 (e) records provided by the United States or by a government entity outside the state

1472 that are given with the requirement that the records be managed as private records, if the

1473 providing entity states in writing that the record would not be subject to public disclosure if

1474 retained by it; and

1475 (f) any portion of a record in the custody of the Division of Aging and Adult Services,

1476 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a

1477 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

1478 (3) (a) As used in this Subsection (3), "medical records" means medical reports,

1479 records, statements, history, diagnosis, condition, treatment, and evaluation.

1480 (b) Medical records in the possession of the University of Utah Hospital, its clinics,

1481 doctors, or affiliated entities are not private records or controlled records under Section

1482 63G-2-304 when the records are sought:

1483 (i) in connection with any legal or administrative proceeding in which the patient's
1484 physical, mental, or emotional condition is an element of any claim or defense; or

1485 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1486 relies upon the condition as an element of the claim or defense.

1487 (c) Medical records are subject to production in a legal or administrative proceeding
1488 according to state or federal statutes or rules of procedure and evidence as if the medical
1489 records were in the possession of a nongovernmental medical care provider.

1490 Section 44. **Repealer.**

1491 This bill repeals:

1492 Section **20A-3-401, Intent and purpose of part.**

1493 Section **20A-3-402, Scope of part.**

1494 Section **20A-3-403, Definitions.**

1495 Section **20A-3-404, Special military write-in absentee ballots.**

1496 Section **20A-3-404.5, Special overseas citizen voter absentee ballot.**

1497 Section **20A-3-405, Registration of military voters and overseas citizen voters.**

1498 Section **20A-3-406, Absentee ballots for military personnel and citizens living**
1499 **overseas -- Federal postcard applications for ballot.**

1500 Section **20A-3-407, Mailing of ballot to military voter.**

1501 Section **20A-3-408, Voting of ballot by military or overseas citizen voter.**

1502 Section **20A-3-408.5, Electronic registration and voting by military and overseas**
1503 **citizen voters in a hostile fire zone -- Procedures for accepting and processing a federal**
1504 **postcard application form -- Returned ballot.**

1505 Section **20A-3-411, Challenge of ballot.**

1506 Section **20A-3-412, State and county officials to provide supplies -- Violation a**
1507 **misdemeanor.**

1508 Section 45. **Effective date.**

1509 This bill takes effect on January 1, 2012.

1510 Section 46. **Coordinating S.B. 162 with H.B. 33 -- Substantive amendments.**

1511 If this S.B. 162 and H.B. 33, Election Law Revisions, both pass, it is the intent of the
1512 Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah
1513 Code database for publication by amending Subsection 20A-14-105(2)(b) to read:

1514 "(b) notify the lieutenant governor of its selections by [~~September 15~~] August 31."

1515 Section 47. **Coordinating S.B. 162 with H.B. 230 -- Superseding technical and**
1516 **substantive amendments.**

1517 If this S.B. 162 and H.B. 230, Disability Amendments, both pass, it is the intent of the
1518 Legislature that the amendments in Section 20A-16-407 in this bill supersede the amendments
1519 to Section 20A-3-410 in H.B. 230 when the Office of Legislative Research and General
1520 Counsel prepares the Utah Code database for publication.

FISCAL NOTE

S.B. 162 2nd Sub. (Salmon)

SHORT TITLE: **Military and Overseas Voting**

SPONSOR: **Hillyard, L.**

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.

