1   **AMENDMENTS TO ELECTION LAW**

2   2011 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Mark B. Madsen**

5   House Sponsor: _____

6   ══

7   **LONG TITLE**

8   **General Description:**

9   This bill modifies the Election Code by amending ballot provisions for a candidate

10   nominated by more than one political party.

11   **Highlighted Provisions:**

12   This bill:

13   ‣   repeals a provision that prohibits a candidate from appearing on the ballot for more

14   than one political party;

15   ‣   requires an election officer to ensure that each candidate nominated by any

16   registered political party is placed on the ballot once for each political party

17   nomination the candidate receives;

18   ‣   amends provisions for filling a vacancy in the Legislature, a county elected office,

19   and a county and district attorney office when the official vacating the office was

20   nominated by more than one political party;

21   ‣   provides that an election judge shall count only one vote for a candidate who is

22   listed on the ballot more than once;

23   ‣   requires an automated voting system to allow a candidate to be listed on the ballot

24   more than once for the same office under separate political parties;

25   ‣   provides that all votes for a candidate are counted in the final count for the

26   candidate;

27   ‣   allows a person to declare candidacy for more than one but not more than three

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28   political parties; and

29   ▸   makes technical changes.

30   **Money Appropriated in this Bill:**

31   None

32   **Other Special Clauses:**

33   None

34   **Utah Code Sections Affected:**

35   AMENDS:

36   **20A-1-503**, as last amended by Laws of Utah 2010, Chapter 165

37   **20A-1-508**, as last amended by Laws of Utah 2010, Chapter 197

38   **20A-1-509.1**, as last amended by Laws of Utah 2010, Chapter 197

39   **20A-4-105**, as last amended by Laws of Utah 1999, Chapter 56

40   **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329

41   **20A-6-301**, as last amended by Laws of Utah 2009, Chapter 202

42   **20A-6-302**, as last amended by Laws of Utah 2006, Chapter 326

43   **20A-6-303**, as last amended by Laws of Utah 2009, Chapter 202

44   **20A-6-304**, as last amended by Laws of Utah 2008, Chapters 225 and 315

45   **20A-6-401.1**, as last amended by Laws of Utah 2009, Chapter 202

46   **20A-9-201**, as last amended by Laws of Utah 2010, Chapter 12

47   **20A-9-404**, as last amended by Laws of Utah 2007, Chapter 256

48   ENACTS:

49   **20A-6-305**, Utah Code Annotated 1953

50   ══

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

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

53   **20A-1-503.   Midterm vacancies in the Legislature.**

54   (1) As used in this section:

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

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

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

58   (b) "Party liaison" means the political party officer designated to serve as a liaison with

59   the lieutenant governor on all matters relating to the political party's relationship with the state

60   as required by Section 20A-8-401.

61   (c) "Same political party" means the political party:

62   (i) whose nominee was elected in the previous election; and

63   (ii) under which the candidate received the highest number of votes in the previous

64   election, if more than one party nominated the candidate.

65   (2) When a vacancy occurs for any reason in the office of representative in the

66   Legislature, the governor shall fill the vacancy by immediately appointing the person whose

67   name was submitted by the party liaison of the same political party as the prior representative.

68   (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in

69   the office of senator in the Legislature, it shall be filled for the unexpired term at the next

70   regular general election.

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

72   immediately appointing the person whose name was submitted by the party liaison of the same

73   political party as the prior senator.

74   (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but

75   before September 1 of an even-numbered year in which the term of office does not expire, the

76   lieutenant governor shall:

77   (i) establish a date, that is before the date for a candidate to be certified for the ballot

78   under Section 20A-9-701 and no later than 21 days after the day on which the vacancy

79   occurred, by which a person intending to obtain a position on the ballot for the vacant office

80   shall file:

81   (A) a declaration of candidacy; or

82   (B) a certificate of nomination; and

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

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

85   (B) to each registered political party.

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

87   (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or

88   certificate of nomination according to the procedures and requirements of Chapter 9, Candidate

89   Qualifications and Nominating Procedures; and

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

91   (A) nominated as a party candidate; or

92   (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate

93   Qualifications and Nominating Procedures.

94   (c) If a vacancy described in Subsection (3)(a) occurs on or after May 1 and before

95   September 1 of an even-numbered year in which the term of office does not expire, a party

96   liaison from each registered political party may submit a name of a person described in

97   Subsection (4)(b) to the lieutenant governor by August 31 for placement on the regular general

98   election ballot.

99   (5) If a vacancy described in Subsection (3)(a) occurs on or after September 1 of an

100   even-numbered year in which a term does not expire, the governor shall fill the vacancy for the

101   unexpired term by immediately appointing the person whose name was submitted by the party

102   liaison of the same political party as the prior senator.

103   Section 2. Section **20A-1-508** is amended to read:

104   **20A-1-508.   Midterm vacancies in county elected offices.**

105   (1) As used in this section:

106   (a) "County offices" includes the county executive, members of the county legislative

107   body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county

108   recorder, the county surveyor, and the county assessor.

109   (b) "County offices" does not mean the offices of president and vice president of the

110   United States, United States senators and representatives, members of the Utah Legislature,

111   state constitutional officers, county attorneys, district attorneys, and judges.

112   (c) "Same political party" means the political party:

113   (i) whose nominee was elected in the previous election; and

114   (ii) under which the candidate received the highest number of votes in the previous

115   election, if more than one party nominated the candidate.

116   (2) (a) Until a replacement is selected as provided in this section and has qualified, the

117   county legislative body shall appoint an interim replacement to fill the vacant office by

118   following the procedures and requirements of this Subsection (2).

119   (b) (i) To appoint an interim replacement, the county legislative body shall give notice

120   of the vacancy to the county central committee of the same political party of the prior office

121   holder and invite that committee to submit the names of three nominees to fill the vacancy.

122   (ii) That county central committee shall, within 30 days, submit the names of three

123   nominees for the interim replacement to the county legislative body.

124   (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint

125   one of those nominees to serve out the unexpired term.

126   (c) (i) If the county legislative body fails to appoint an interim replacement to fill the

127   vacancy within 45 days, the county clerk shall send to the governor a letter that:

128   (A) informs the governor that the county legislative body has failed to appoint a

129   replacement within the statutory time period; and

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

131   (ii) The governor shall appoint an interim replacement from that list of nominees to fill

132   the vacancy within 30 days after receipt of the letter.

133   (d) A person appointed as interim replacement under this Subsection (2) shall hold

134   office until their successor is elected and has qualified.

135   (3) (a) The requirements of this Subsection (3) apply to all county offices that become

136   vacant if:

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

138   (ii) the vacancy occurs after the election at which the person was elected but before

139   April 10 of the next even-numbered year.

140   (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk

141   shall notify the public and each registered political party that the vacancy exists.

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

143   (A) file a declaration of candidacy according to the procedures and requirements of

144   Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

145   (B) if nominated as a party candidate or qualified as an independent or write-in

146   candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general

147   election.

148   (4) (a) The requirements of this Subsection (4) apply to all county offices that become

149   vacant if:

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

151   (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 50

152   days before the regular primary election.

153   (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk

154   shall notify the public and each registered political party that:

155   (A) the vacancy exists; and

156   (B) identifies the date and time by which a person interested in becoming a candidate

157   must file a declaration of candidacy.

158   (ii) All persons intending to become candidates for the vacant offices shall, within five

159   days after the date that the notice is made, ending at the close of normal office hours on the

160   fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2,

161   Candidate Qualifications and Declarations of Candidacy.

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

163   (A) select a candidate or candidates from among those qualified candidates who have

164   filed declarations of candidacy; and

165   (B) certify the name of the candidate or candidates to the county clerk at least 35 days

166   before the regular primary election.

167   (5) (a) The requirements of this Subsection (5) apply to all county offices that become

168   vacant:

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

170   (ii) when 50 days or less remain before the regular primary election but more than 50

171   days remain before the regular general election.

172   (b) When the conditions established in Subsection (5)(a) are met, the county central

173   committees of each political party registered under this title that wishes to submit a candidate

174   for the office shall summarily certify the name of one candidate to the county clerk for

175   placement on the regular general election ballot.

176   (6) (a) The requirements of this Subsection (6) apply to all county offices that become

177   vacant:

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

179   (ii) if the vacant office has an unexpired term of two years or more but 50 days or less

180   remain before the next regular general election.

181   (b) (i) When the conditions established in Subsection (6)(a) are met, the county

182   legislative body shall give notice of the vacancy to the county central committee of the same

183   political party as the prior office holder and invite that committee to submit the names of three

184   nominees to fill the vacancy.

185   (ii) That county central committee shall, within 30 days, submit the names of three

186   nominees to fill the vacancy to the county legislative body.

187   (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint

188   one of those nominees to serve out the unexpired term.

189   (c) (i) If the county legislative body fails to appoint a person to fill the vacancy within

190   45 days, the county clerk shall send to the governor a letter that:

191   (A) informs the governor that the county legislative body has failed to appoint a person

192   to fill the vacancy within the statutory time period; and

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

194   (ii) The governor shall appoint a person to fill the vacancy from that list of nominees to

195   fill the vacancy within 30 days after receipt of the letter.

196   (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office

197   until their successor is elected and has qualified.

198   (7) Except as otherwise provided by law, the county legislative body may appoint

199   replacements to fill all vacancies that occur in those offices filled by appointment of the county

200   legislative body.

201   (8) Nothing in this section prevents or prohibits independent candidates from filing a

202   declaration of candidacy for the office within the same time limits.

203   (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a

204   county office shall serve for the remainder of the unexpired term of the person who created the

205   vacancy and until a successor is elected and qualified.

206   (b) Nothing in this section may be construed to contradict or alter the provisions of

207   Section 17-16-6.

208   Section 3. Section **20A-1-509.1** is amended to read:

209   **20A-1-509.1.   Procedure for filling midterm vacancy in county or district with 15**

210   **or more attorneys.**

211   (1) When a vacancy occurs in the office of county or district attorney in a county or

212   district having 15 or more attorneys who are licensed active members in good standing with the

213   Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

214   (2) (a) The requirements of this Subsection (2) apply when the office of county

215   attorney or district attorney becomes vacant and:

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

217   (ii) the vacancy occurs before the third Friday in March of the even-numbered year.

218   (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall

219   notify the public and each registered political party that the vacancy exists.

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

221   (i) file a declaration of candidacy according to the procedures and requirements of

222   [Title 20A,] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

223   (ii) if nominated as a party candidate or qualified as an independent or write-in

224   candidate under [Title 20A,] Chapter 9, Candidate Qualifications and Nominating Procedures,

225   run in the regular general election; and

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

227   (d) If the vacancy occurs after the second Friday in March and before the third Friday

228   in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be

229   extended until seven days after the county clerk gives notice under Subsection (2)(b), but no

230   later than the fourth Friday in March.

231   (3) (a) The requirements of this Subsection (3) apply when the office of county

232   attorney or district attorney becomes vacant and:

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

234   (ii) the vacancy occurs after the third Friday in March of the even-numbered year but

235   more than 50 days before the regular primary election.

236   (b) When the conditions established in Subsection (3)(a) are met, the county clerk

237   shall:

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

239   (ii) identify the date and time by which a person interested in becoming a candidate

240   must file a declaration of candidacy.

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

242   (i) within five days after the date that the notice is made, ending at at the close of

243   normal office hours on the fifth day, file a declaration of candidacy for the vacant office as

244   required by [Title 20A,] Chapter 9, Part 2, Candidate Qualifications and Nominating

245   Procedures; and
246   (ii) if elected, complete the unexpired term of the person who created the vacancy.
247   (d) The county central committee of each party shall:
248   (i) select a candidate or candidates from among those qualified candidates who have
249   filed declarations of candidacy; and
250   (ii) certify the name of the candidate or candidates to the county clerk at least 35 days
251   before the regular primary election.
252   (4) (a) The requirements of this Subsection (4) apply when the office of county
253   attorney or district attorney becomes vacant and:
254   (i) the vacant office has an unexpired term of two years or more; and
255   (ii) 50 days or less remain before the regular primary election but more than 50 days
256   remain before the regular general election.
257   (b) When the conditions established in Subsection (4)(a) are met, the county central
258   committees of each registered political party that wish to submit a candidate for the office shall
259   summarily certify the name of one candidate to the county clerk for placement on the regular
260   general election ballot.
261   (c) The candidate elected shall complete the unexpired term of the person who created
262   the vacancy.
263   (5) (a) The requirements of this Subsection (5) apply when the office of county
264   attorney or district attorney becomes vacant and:
265   (i) the vacant office has an unexpired term of less than two years; or
266   (ii) the vacant office has an unexpired term of two years or more but 50 days or less
267   remain before the next regular general election.
268   (b) When the conditions established in Subsection (5)(a) are met, the county legislative
269   body shall give notice of the vacancy to the county central committee of the same political
270   party as defined in Section 20A-1-508, of the prior officeholder and invite that committee to
271   submit the names of three nominees to fill the vacancy.
272   (c) That county central committee shall, within 30 days of receiving notice from the
273   county legislative body, submit to the county legislative body the names of three nominees to
274   fill the vacancy.
275   (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint

276 one of those nominees to serve out the unexpired term.

277   (e) If the county legislative body fails to appoint a person to fill the vacancy within 45

278 days, the county clerk shall send to the governor a letter that:

279   (i) informs the governor that the county legislative body has failed to appoint a person

280 to fill the vacancy within the statutory time period; and

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

282   (f) The governor shall appoint a person to fill the vacancy from that list of nominees

283 within 30 days after receipt of the letter.

284   (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the

285 unexpired term of the person who created the vacancy.

286   (6) Nothing in this section prevents or prohibits independent candidates from filing a

287 declaration of candidacy for the office within the required time limits.

288   Section 4. Section **20A-4-105** is amended to read:

289   **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

290   (1) [Each person] A counting judge counting ballots shall apply the standards and

291 requirements of this section to resolve any questions that arise as ballots are counted.

292   (2) Except as provided in [Subsection (11)] Subsections (11) and (12), if a voter marks

293 more names than there are persons to be elected to an office, or if for any reason it is

294 impossible to determine the choice of any voter for any office to be filled, the [counter]

295 counting judge may not count that voter's ballot for that office.

296   (3) The [counter] counting judge shall count a defective or incomplete mark on any

297 paper ballot if:

298   (a) it is in the proper place; and

299   (b) there is no other mark or cross on the paper ballot indicating the voter's intent to

300 vote other than as indicated by the defective mark.

301   (4) (a) When the voter has marked the ballot so that it appears that the voter has voted

302 more than one straight ticket, the [election judges] counting judge may not count any votes for

303 party candidates.

304   (b) The [election judges] counting judge shall count the remainder of the ballot if it is

305 voted correctly.

306   (5) A [counter] counting judge may not reject a ballot marked by the voter because of

307   marks on the ballot other than those marks allowed by this section unless the extraneous marks

308   on a ballot or group of ballots show an intent by a person or group to mark their ballots so that

309   their ballots can be identified.

310   (6) (a) In counting the ballots, the [counters] counting judge shall give full

311   consideration to the intent of the voter.

312   (b) The [counters] counting judge may not invalidate a ballot because of mechanical

313   and technical defects in voting or failure on the part of the voter to follow strictly the rules for

314   balloting required by Chapter 3, Voting.

315   (7) The [counters] counting judge may not reject a ballot because of any error in:

316   (a) stamping or writing any official endorsement; or

317   (b) delivering the wrong ballots to any polling place.

318   (8) The [counter] counting judge may not count any paper ballot that does not have the

319   official endorsement by an election officer.

320   (9) If the [counter] counting judge discovers that the name of a candidate voted for is

321   misspelled or that the initial letters of a candidate's given name are transposed or omitted in

322   part or altogether, the [counter] counting judge shall count the voter's vote for that candidate if

323   it is apparent that the voter intended to vote for that candidate.

324   (10) The [counter] counting judge shall count a vote for the president and the vice

325   president of any political party as a vote for the presidential electors selected by the political

326   party.

327   (11) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has

328   cast more votes for an office than that voter is entitled to vote for that office, the [judges]

329   counting judge shall count the valid write-in vote as being the obvious intent of the voter.

330   (12) If more than one political party nominates a candidate as provided by Section

331   20A-6-305, the counting judge shall:

332   (a) except as provided by Subsection (12)(b), count each vote for a candidate separately

333   by each political party nomination received by the candidate; and

334   (b) if a voter cast more than one vote for the candidate:

335   (i) count only one vote for the candidate; and

336   (ii) count no vote for purposes of a candidate's political party nomination.

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

338   **20A-5-302. Automated voting system.**

339   (1) (a) Any county or municipal legislative body or local district board may:

340   (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any

341   automated voting system that meets the requirements of this section; and

342   (ii) use that system in any election, in all or a part of the voting precincts within its

343   boundaries, or in combination with paper ballots.

344   (b) Nothing in this title shall be construed to require the use of electronic voting

345   devices in local special elections, municipal primary elections, or municipal general elections.

346   (2) (a) Each automated voting system shall:

347   (i) provide for voting in secrecy, except in the case of voters who have received

348   assistance as authorized by Section 20A-3-108;

349   (ii) permit each voter at any election to:

350   (A) vote for all persons and offices for whom and for which that voter is lawfully

351   entitled to vote;

352   (B) vote for as many persons for an office as that voter is entitled to vote; and

353   (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

354   (iii) permit each voter, at presidential elections, by one mark or punch to vote for the

355   candidates of that party for president, vice president, and for their presidential electors;

356   (iv) permit each voter, at any regular general election, to vote for all the candidates of

357   one registered political party by making one mark or punch;

358   (v) permit each voter to scratch vote;

359   (vi) at elections other than primary elections, permit each voter to vote for:

360   (A) the nominees of one or more parties and for [independent] unaffiliated candidates;

361   and

362   (B) a candidate who is listed on the ballot more than once for the same office under

363   more than one political party for which the candidate is nominated;

364   (vii) at primary elections:

365   (A) permit each voter to vote for candidates of the political party of his choice; and

366   (B) reject any votes cast for candidates of another party;

367   (viii) prevent the voter from voting for the same person more than once for the same

368   office;

369   (ix) provide the opportunity for each voter to change the ballot and to correct any error

370   before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.

371   L. No. 107-252;

372   (x) include automatic tabulating equipment that rejects choices recorded on a voter's

373   ballot if the number of the voter's recorded choices is greater than the number which the voter

374   is entitled to vote for the office or on the measure;

375   (xi) be of durable construction, suitably designed so that it may be used safely,

376   efficiently, and accurately in the conduct of elections and counting ballots;

377   (xii) when properly operated, record correctly and count accurately each vote cast;

378   (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper

379   record that:

380   (A) shall be available as an official record for any recount or election contest

381   conducted with respect to an election where the voting equipment is used;

382   (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling

383   place; and

384   (II) shall permit the voter to inspect the record of the voter's selections independently

385   only if reasonably practicable commercial methods permitting independent inspection are

386   available at the time of certification of the voting equipment by the lieutenant governor;

387   (C) shall include, at a minimum, human readable printing that shows a record of the

388   voter's selections;

389   (D) may also include machine readable printing which may be the same as the human

390   readable printing; and

391   (E) allows voting poll watchers and counting poll watchers to observe the election

392   process to ensure its integrity; and

393   (xiv) meet the requirements of Section 20A-5-402.5.

394   (b) For the purposes of a recount or an election contest, if the permanent paper record

395   contains a conflict or inconsistency between the human readable printing and the machine

396   readable printing, the human readable printing shall supercede the machine readable printing

397   when determining the intent of the voter.

398   (c) Notwithstanding any other provisions of this section, the election officers shall

399   ensure that the ballots to be counted by means of electronic or electromechanical devices are of

400   a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable

401   for use in the counting devices in which they are intended to be placed.

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

403   **20A-6-301.   Paper ballots -- Regular general election.**

404   (1) Each election officer shall ensure that:

405   (a) all paper ballots furnished for use at the regular general election contain no captions

406   or other endorsements except as provided in this section;

407   (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the

408   top of the ballot, and divided from the rest of ballot by a perforated line;

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

410   stub; and

411   (iii) ballot stubs are numbered consecutively;

412   (c) immediately below the perforated ballot stub, the following endorsements are

413   printed in 18-point bold type:

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

415   (ii) the date of the election; and

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

417   (d) each ticket is placed in a separate column on the ballot in the order determined by

418   the election officer with the party emblem, followed by the party name, at the head of the

419   column;

420   (e) the party name or title is printed in capital letters not less than [1/4] one-fourth of an

421   inch high;

422   (f) a circle [1/2] one-half inch in diameter is printed immediately below the party name

423   or title, and the top of the circle is placed not less than two inches below the perforated line;

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

425   are listed in one column, without a party circle, with the following instructions printed at the

426   head of the column: "All candidates not affiliated with a political party are listed below. They

427   are to be considered with all offices and candidates listed to the left. Only one vote is allowed

428   for each office.";

429   (h) the columns containing the lists of candidates, including the party name and device,

430   are separated by heavy parallel lines;

431   (i) the offices to be filled are plainly printed immediately above the names of the
432   candidates for those offices;
433   (j) the names of candidates are printed in capital letters, not less than [1/8] one-eighth
434   nor more than [1/4] one-fourth of an inch high in heavy-faced type not smaller than 10 point,
435   between lines or rules 3/8 of an inch apart;
436   (k) a square with sides measuring not less than [1/4] one-fourth of an inch in length is
437   printed immediately adjacent to the name of each candidate;
438   (l) for the offices of president and vice president and governor and lieutenant governor,
439   one square with sides measuring not less than [1/4] one-fourth of an inch in length is printed on
440   the same side as but opposite a double bracket enclosing the names of the two candidates;
441   (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a
442   write-in column long enough to contain as many written names of candidates as there are
443   persons to be elected with:
444   (i) for each office on the ballot, the office to be filled plainly printed immediately
445   above:
446   (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
447   square with sides measuring not less than [1/4] one-fourth of an inch in length printed
448   immediately adjacent to the blank horizontal line; or
449   (B) for the offices of president and vice president and governor and lieutenant
450   governor, two blank horizontal lines, one placed above the other, to enable the entry of two
451   valid write-in candidates, and one square with sides measuring not less than [1/4] one-fourth of
452   an inch in length printed on the same side as but opposite a double bracket enclosing the two
453   blank horizontal lines; and
454   (ii) the words "Write-In Voting Column" printed at the head of the column without a
455   [1/2] one-half inch circle;
456   (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
457   to the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule
458   running vertically the full length of the nonpartisan ballot copy; and
459   (o) constitutional amendments or other questions submitted to the vote of the people,
460   are printed on the ballot after the list of candidates.
461   (2) Each election officer shall ensure that:

462   (a) each person nominated by any political party or group of petitioners is placed on the

463   ballot once for each political party nomination or group of petitioners' petition the person

464   receives:

465   (i) under [the] each party name and emblem, if any; or

466   (ii) under [the] each title of the party or group as designated by them in their

467   certificates of nomination or petition, or, if none is designated, then under some suitable title;

468   (b) the names of all unaffiliated candidates that qualify as required in Title 20A,

469   Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

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

471   instead of the names of the presidential electors; and

472   (d) the ballots contain no other names.

473   (3) When the ballot contains a nonpartisan section, the election officer shall ensure

474   that:

475   (a) the designation of the office to be filled in the election and the number of

476   candidates to be elected are printed in type not smaller than eight-point;

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

478   (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of

479   the column;

480   (d) the nonpartisan candidates are grouped according to the office for which they are

481   candidates;

482   (e) the names in each group are placed in alphabetical order with the surnames last,

483   except for candidates for the State Board of Education and local school boards;

484   (f) the names of candidates for the State Board of Education are placed on the ballot as

485   certified by the lieutenant governor under Section 20A-14-105;

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

487   primary election, the name of the candidate who received the most votes in the primary election

488   is listed first on the ballot;

489   (h) if candidates for membership on a local board of education were not selected in the

490   primary election, the names of the candidates are listed on the ballot in the order determined by

491   a lottery conducted by the county clerk; and

492   (i) each group is preceded by the designation of the office for which the candidates

493 seek election, and the words, "Vote for one" or "Vote for two or more," according to the

494 number to be elected.

495   (4) Each election officer shall ensure that:

496   (a) proposed amendments to the Utah Constitution are listed on the ballot in

497 accordance with Section 20A-6-107;

498   (b) ballot propositions submitted to the voters are listed on the ballot in accordance

499 with Section 20A-6-107; and

500   (c) bond propositions that have qualified for the ballot are listed on the ballot under the

501 title assigned to each bond proposition under Section 11-14-206.

502   Section 7. Section **20A-6-302** is amended to read:

503   **20A-6-302.   Paper ballots -- Placement of candidates' names.**

504   (1) Each election officer shall ensure, for paper ballots in regular general elections,

505 that:

506   (a) except for candidates for state school board and local school boards:

507   (i) each candidate is listed by [party] each political party that nominated the candidate;

508 and

509   (ii) candidates' surnames are listed in alphabetical order on the ballots when two or

510 more candidates' names are required to be listed on a ticket under the title of an office;

511   (b) the names of candidates for the State Board of Education are placed on the ballot as

512 certified by the lieutenant governor under Section 20A-14-105;

513   (c) if candidates for membership on a local board of education were selected in a

514 regular primary election, the name of the candidate who received the most votes in the regular

515 primary election is listed first on the ballot; and

516   (d) if candidates for membership on a local board of education were not selected in the

517 regular primary election, the names of the candidates are listed on the ballot in the order

518 determined by a lottery conducted by the county clerk.

519   (2) (a) The election officer may not allow the name of a candidate who dies or

520 withdraws before election day to be printed upon the ballots.

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

522   (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a

523 line through the candidate's name before the ballots are delivered to voters; and

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

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

526   election in counties that have three or fewer registered voters of the county who are licensed

527   active members in good standing of the Utah State Bar, the county clerk shall cause that

528   candidate's name and party affiliation, if any, to be placed on a separate section of the ballot

529   with the following question: "Shall (name of candidate) be elected to the office of county

530   attorney? Yes ____ No ____."

531   (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is

532   elected to the office of county attorney.

533   (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not

534   elected and may not take office, nor may he continue in the office past the end of the term

535   resulting from any prior election or appointment.

536   (d) When the name of only one candidate for county attorney is printed on the ballot

537   under authority of this Subsection (3), the county clerk may not count any write-in votes

538   received for the office of county attorney.

539   (e) If no qualified person files for the office of county attorney or if the candidate is not

540   elected by the voters, the county legislative body shall appoint the county attorney as provided

541   in Section 20A-1-509.2.

542   (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on

543   the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the

544   two consecutive terms immediately preceding the term for which the candidate is seeking

545   election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an

546   unopposed candidate the same as any other unopposed candidate for another office, unless a

547   petition is filed with the county clerk before the date of that year's primary election that:

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

549   (ii) contains the signatures of registered voters in the county representing in number at

550   least 25% of all votes cast in the county for all candidates for governor at the last election at

551   which a governor was elected.

552   (4) (a) When there is only one candidate for district attorney at the regular general

553   election in a prosecution district that has three or fewer registered voters of the district who are

554   licensed active members in good standing of the Utah State Bar, the county clerk shall cause

555   that candidate's name and party affiliation, if any, to be placed on a separate section of the

556   ballot with the following question: "Shall (name of candidate) be elected to the office of district

557   attorney? Yes ____ No ____."

558   (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is

559   elected to the office of district attorney.

560   (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not

561   elected and may not take office, nor may he continue in the office past the end of the term

562   resulting from any prior election or appointment.

563   (d) When the name of only one candidate for district attorney is printed on the ballot

564   under authority of this Subsection (4), the county clerk may not count any write-in votes

565   received for the office of district attorney.

566   (e) If no qualified person files for the office of district attorney, or if the only candidate

567   is not elected by the voters under this subsection, the county legislative body shall appoint a

568   new district attorney for a four-year term as provided in Section 20A-1-509.2.

569   (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on

570   the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the

571   two consecutive terms immediately preceding the term for which the candidate is seeking

572   election, Subsection (4)(a) shall not apply and that candidate shall be considered to be an

573   unopposed candidate the same as any other unopposed candidate for another office, unless a

574   petition is filed with the county clerk before the date of that year's primary election that:

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

576   (ii) contains the signatures of registered voters in the county representing in number at

577   least 25% of all votes cast in the county for all candidates for governor at the last election at

578   which a governor was elected.

579   Section 8. Section **20A-6-303** is amended to read:

580   **20A-6-303.   Regular general election -- Ballot sheets.**

581   (1) Each election officer shall ensure that:

582   (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in

583   approximately the same order as paper ballots;

584   (b) the titles of offices and the names of candidates are printed in vertical columns or in

585   a series of separate pages;

586   (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
587   include, after the list of candidates:
588   (i) the names of candidates for judicial offices and any other nonpartisan offices; and
589   (ii) any ballot propositions submitted to the voters for their approval or rejection;
590   (d) (i) a voting square or position is included where the voter may record a straight
591   party ticket vote for all the candidates of one party by one mark or punch; and
592   (ii) the name of each political party listed in the straight party selection area includes
593   the word "party" at the end of the party's name;
594   (e) the tickets are printed in the order determined by the county clerk;
595   (f) the office titles are printed immediately adjacent to the names of candidates so as to
596   indicate clearly the candidates for each office and the number to be elected;
597   (g) [the party designation of each candidate] the candidate is listed once for each
598   political party nomination the candidate receives and the political party designation is printed
599   immediately adjacent to the candidate's name; and
600   (h) (i) if possible, all candidates for one office are grouped in one column or upon one
601   page; and
602   (ii) if all candidates for one office cannot be listed in one column or grouped on one
603   page:
604   (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
605   candidates is continued on the following column or page; and
606   (B) approximately the same number of names shall be printed in each column or on
607   each page.
608   (2) Each election officer shall ensure that:
609   (a) proposed amendments to the Utah Constitution are listed in accordance with
610   Section 20A-6-107;
611   (b) ballot propositions submitted to the voters are listed in accordance with Section
612   20A-6-107; and
613   (c) bond propositions that have qualified for the ballot are listed under the title
614   assigned to each bond proposition under Section 11-14-206.
615   Section 9. Section **20A-6-304** is amended to read:
616   **20A-6-304.   Regular general election -- Electronic ballots.**

617   (1) Each election officer shall ensure that:

618   (a) the format and content of the electronic ballot is arranged in approximately the

619 same order as paper ballots;

620   (b) the titles of offices and the names of candidates are displayed in vertical columns or

621 in a series of separate display screens;

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

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

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

625   (d) (i) a voting square or position is included where the voter may record a straight

626 party ticket vote for all the candidates of one party by making a single selection; and

627   (ii) the name of each political party listed in the straight party selection area includes

628 the word "party" at the end of the party's name;

629   (e) the tickets are displayed in the order determined by the county clerk;

630   (f) the office titles are displayed above or at the side of the names of candidates so as to

631 indicate clearly the candidates for each office and the number to be elected;

632   (g) [the party designation of each candidate] the candidate is listed once for each

633 political party nomination the candidate receives and the political party designation is displayed

634 adjacent to the candidate's name; and

635   (h) if possible, all candidates for one office are grouped in one column or upon one

636 display screen.

637   (2) Each election officer shall ensure that:

638   (a) proposed amendments to the Utah Constitution are displayed in accordance with

639 Section 20A-6-107;

640   (b) ballot propositions submitted to the voters are displayed in accordance with Section

641 20A-6-107; and

642   (c) bond propositions that have qualified for the ballot are displayed under the title

643 assigned to each bond proposition under Section 11-14-206.

644   Section 10. Section **20A-6-305** is enacted to read:

645   **20A-6-305. Candidate listed on ballot for each party nomination -- Vote counting.**

646   An election officer shall:

647   (1) for a regular general election ballot and a municipal general election ballot, list a

648   candidate for a partisan office on the ballot once for each political party nomination or group of

649   petitioners' petition the candidate receives; and

650   (2) subject to the provisions of Subsection 20A-4-105(12), combine all votes for a

651   candidate for the final count for the candidate.

652   Section 11. Section **20A-6-401.1** is amended to read:

653   **20A-6-401.1. Ballots for partisan municipal primary elections.**

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

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

656   (i) are perforated to separate the candidates of one political party from those of the

657   other political parties so that the voter may separate the part of the ballot containing the names

658   of the political party of the voter's choice from the rest of the ballot;

659   (ii) have sides that are perforated so that the outside sections of the ballot, when

660   detached, are similar in appearance to the inside sections of the ballot when detached; and

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

662   (b) the names of all candidates from each party are listed on the same ballot in one or

663   more columns under [their] each party name and emblem for which the candidate receives a

664   nomination;

665   (c) the political parties are printed on the ballot in the order determined by the county

666   clerk;

667   (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the

668   top of the ballot;

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

670   stub; and

671   (iii) ballot stubs are numbered consecutively;

672   (e) immediately below the perforated ballot stub, the following endorsements are

673   printed in 18-point bold type:

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

675   (ii) the date of the election; and

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

677   (f) after the facsimile signature, the political party emblem and the name of the

678   political party are printed;

679   (g) after the party name and emblem, the ballot contains the following printed in not
680   smaller than 10 point bold face, double leaded type: "Instructions to Voters: To vote for a
681   candidate, place a cross (X) in the square immediately adjacent to the name of the person for
682   whom you wish to vote and in no other place. [~~Do not vote for any candidate listed under more~~
683   ~~than one party or group designation.~~]", followed by two one-point parallel horizontal rules;
684   (h) after the rules, the designation of the office for which the candidates seek
685   nomination is printed flush with the left-hand margin and the words: "Vote for one" or "Vote
686   for two or more" are printed to extend to the extreme right of the column in 10 point bold type,
687   followed by a hair-line rule;
688   (i) after the hair-line rule, the names of the candidates are printed in heavy face type
689   between lines or rules [3/8] three-eighths inch apart, alphabetically according to surnames with
690   surnames last and grouped according to the office that they seek;
691   (j) a square with sides not less than [1/4] one-fourth inch long is printed immediately
692   adjacent to the names of the candidates;
693   (k) the candidate groups are separated from each other by one light and one heavy line
694   or rule; and
695   (l) the nonpartisan candidates are listed as follows:
696   (i) immediately below the listing of the party candidates, the word "NONPARTISAN"
697   is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of
698   the party listing above; and
699   (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
700   candidate's name, the voting square, and any other necessary information is printed in the same
701   style and manner as for party candidates.
702   (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer
703   may require that:
704   (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary
705   election consist of several groups of pages or display screens, so that a separate group can be
706   used to list the names of candidates seeking nomination of each qualified political party, with
707   additional groups used to list candidates for other nonpartisan offices;
708   (ii) the separate groups of pages or display screens are identified by color or other
709   suitable means; and

710   (iii) the ballot or ballot label contain instructions that direct the voter how to vote the

711   ballot.

712   (b) If a municipality is using ballot sheets or electronic ballots, each election officer

713   shall:

714   (i) for municipalities using punch card ballots, ensure that the ballot label provides a

715   means for the voter to designate the political party in whose primary the voter is voting; and

716   (ii) determine the order for printing the names of the political parties on the ballot

717   label.

718   Section 12. Section **20A-9-201** is amended to read:

719   **20A-9-201.   Declarations of candidacy -- Candidacy for more than one office or of**

720   **more than one political party prohibited with exceptions -- General filing and form**

721   **requirements -- Affidavit of impecuniosity.**

722   (1) Before filing a declaration of candidacy for election to any office, a person shall:

723   (a) be a United States citizen; and

724   (b) meet the legal requirements of that office.

725   (2) (a) Except as provided in Subsection (2)(b), a person may not[: (i)] file a

726   declaration of candidacy for, or be a candidate for, more than one office in Utah during any

727   election year[; or].

728   [(ii) appear on the ballot as the candidate of more than one political party.]

729   (b) A person may declare no more than three political party affiliations for the same

730   office.

731   [(b)] (c) A person may file a declaration of candidacy for, or be a candidate for,

732   President or Vice President of the United States and another office, if the person resigns the

733   person's candidacy for the other office after the person is officially nominated for President or

734   Vice President of the United States.

735   (3) (a) (i) Except for presidential candidates, before the filing officer may accept any

736   declaration of candidacy, the filing officer shall:

737   (A) read to the prospective candidate the constitutional and statutory qualification

738   requirements for the office that the candidate is seeking; and

739   (B) require the candidate to state whether or not the candidate meets those

740   requirements.

741   (ii) Before accepting a declaration of candidacy for the office of county attorney, the
742   county clerk shall ensure that the person filing that declaration of candidacy is:
743   (A) a United States citizen;
744   (B) an attorney licensed to practice law in Utah who is an active member in good
745   standing of the Utah State Bar;
746   (C) a registered voter in the county in which he is seeking office; and
747   (D) a current resident of the county in which he is seeking office and either has been a
748   resident of that county for at least one year or was appointed and is currently serving as county
749   attorney and became a resident of the county within 30 days after appointment to the office.
750   (iii) Before accepting a declaration of candidacy for the office of district attorney, the
751   county clerk shall ensure that, as of the date of the election, the person filing that declaration of
752   candidacy is:
753   (A) a United States citizen;
754   (B) an attorney licensed to practice law in Utah who is an active member in good
755   standing of the Utah State Bar;
756   (C) a registered voter in the prosecution district in which he is seeking office; and
757   (D) a current resident of the prosecution district in which he is seeking office and either
758   will have been a resident of that prosecution district for at least one year as of the date of the
759   election or was appointed and is currently serving as district attorney and became a resident of
760   the prosecution district within 30 days after receiving appointment to the office.
761   (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
762   county clerk shall ensure that the person filing the declaration of candidacy:
763   (A) as of the date of filing:
764   (I) is a United States citizen;
765   (II) is a registered voter in the county in which the person seeks office;
766   (III) (Aa) has successfully met the standards and training requirements established for
767   law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
768   Certification Act; or
769   (Bb) has passed a certification examination as provided in Section 53-6-206; and
770   (IV) is qualified to be certified as a law enforcement officer, as defined in Section
771   53-13-103; and

772   (B) as of the date of the election, shall have been a resident of the county in which the

773   person seeks office for at least one year.

774   (v) Before accepting a declaration of candidacy for the office of governor, lieutenant

775   governor, state auditor, state treasurer, attorney general, state legislator, or State Board of

776   Education member, the filing officer shall ensure:

777   (A) that the person filing the declaration of candidacy also files the financial disclosure

778   required by Section 20A-11-1603; and

779   (B) if the filing officer is not the lieutenant governor, that the financial disclosure is

780   provided to the lieutenant governor according to the procedures and requirements of Section

781   20A-11-1603.

782   (b) If the prospective candidate states that he does not meet the qualification

783   requirements for the office, the filing officer may not accept the prospective candidate's

784   declaration of candidacy.

785   (c) If the candidate meets the requirements of Subsection (3)(a) and states that he meets

786   the requirements of candidacy, the filing officer shall:

787   (i) inform the candidate that:

788   (A) the candidate's name will appear on the ballot as it is written on the declaration of

789   candidacy;

790   (B) the candidate may be required to comply with state or local campaign finance

791   disclosure laws; and

792   (C) the candidate is required to file a financial statement before the candidate's political

793   convention under:

794   (I) Section 20A-11-204 for a candidate for constitutional office;

795   (II) Section 20A-11-303 for a candidate for the Legislature; or

796   (III) local campaign finance disclosure laws, if applicable;

797   (ii) provide the candidate with a copy of the current campaign financial disclosure laws

798   for the office the candidate is seeking and inform the candidate that failure to comply will

799   result in disqualification as a candidate and removal of the candidate's name from the ballot;

800   (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide

801   Electronic Voter Information Website Program and inform the candidate of the submission

802   deadline under Subsection 20A-7-801(4)(a);

803   (iv) provide the candidate with a copy of the pledge of fair campaign practices
804 described under Section 20A-9-206 and inform the candidate that:
805   (A) signing the pledge is voluntary; and
806   (B) signed pledges shall be filed with the filing officer;
807   (v) accept the candidate's declaration of candidacy; and
808   (vi) if the candidate has filed for a partisan office, provide a certified copy of the
809 declaration of candidacy to the chair of the county or state political party of which the
810 candidate is a member.
811   (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
812 officer shall:
813   (i) accept the candidate's pledge; and
814   (ii) if the candidate has filed for a partisan office, provide a certified copy of the
815 candidate's pledge to the chair of the county or state political party of which the candidate is a
816 member.
817   (4) Except for presidential candidates, the form of the declaration of candidacy shall be
818 substantially as follows:
819   "State of Utah, County of ____
820   I, _____, declare my intention of becoming a candidate for the office of
821 ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the qualifications
822 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
823 the City or Town of ____, Utah, Zip Code ____ Phone No. ____; I will not knowingly violate
824 any law governing campaigns and elections; I will file all campaign financial disclosure reports
825 as required by law; and I understand that failure to do so will result in my disqualification as a
826 candidate for this office and removal of my name from the ballot. The mailing address that I
827 designate for receiving official election notices is _____.
828 _____
829   Subscribed and sworn before me this _____(month\day\year).
830   Notary Public (or other officer qualified to administer oath.)"
831   (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
832 is:
833   (i) $25 for candidates for the local school district board; and

834   (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person

835   holding the office, but not less than $5, for all other federal, state, and county offices.

836   (b) Except for presidential candidates, the filing officer shall refund the filing fee to

837   any candidate:

838   (i) who is disqualified; or

839   (ii) who the filing officer determines has filed improperly.

840   (c) (i) The county clerk shall immediately pay to the county treasurer all fees received

841   from candidates.

842   (ii) The lieutenant governor shall:

843   (A) apportion to and pay to the county treasurers of the various counties all fees

844   received for filing of nomination certificates or acceptances; and

845   (B) ensure that each county receives that proportion of the total amount paid to the

846   lieutenant governor from the congressional district that the total vote of that county for all

847   candidates for representative in Congress bears to the total vote of all counties within the

848   congressional district for all candidates for representative in Congress.

849   (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy

850   without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by

851   an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,

852   a financial statement filed at the time the affidavit is submitted.

853   (ii) A person who is able to pay the filing fee may not claim impecuniosity.

854   (iii) (A) False statements made on an affidavit of impecuniosity or a financial

855   statement filed under this section shall be subject to the criminal penalties provided under

856   Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

857   (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be

858   considered an offense under this title for the purposes of assessing the penalties provided in

859   Subsection 20A-1-609(2).

860   (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in

861   substantially the following form:

862   "Affidavit of Impecuniosity

863   Individual Name _____

864   Address_____

865   Phone Number _____

866   I,_____(name), do solemnly [swear] [affirm], under penalty of law

867   for false statements, that, owing to my poverty, I am unable to pay the filing fee required by

868   law.

869   Date _____ Signature_____

870   Affiant

871   Subscribed and sworn to before me on _____ (month\day\year)

872   _____

873   (signature)

874   Name and Title of Officer Authorized to Administer Oath   _____"

875   (v) The filing officer shall provide to a person who requests an affidavit of

876   impecuniosity a statement printed in substantially the following form, which may be included

877   on the affidavit of impecuniosity:

878   "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

879   candidate who is found guilty of filing a false statement, in addition to being subject to criminal

880   penalties, will be removed from the ballot."

881   (vi) The filing officer may request that a person who makes a claim of impecuniosity

882   under this Subsection (5)(d) file a financial statement on a form prepared by the election

883   official.

884   (6) Any person who fails to file a declaration of candidacy or certificate of nomination

885   within the time provided in this chapter is ineligible for nomination to office.

886   (7) A declaration of candidacy filed under this section may not be amended or

887   modified after the final date established for filing a declaration of candidacy.

888   Section 13. Section **20A-9-404** is amended to read:

889   **20A-9-404.   Municipal primary elections.**

890   (1) (a) Except as otherwise provided in this section, candidates for municipal office in

891   all municipalities shall be nominated at a municipal primary election.

892   (b) Municipal primary elections shall be held:

893   (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first

894   Monday in the September before the regular municipal election; and

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

896   (2) If the number of candidates for a particular municipal office does not exceed twice

897   the number of persons needed to fill that office, a primary election for that office may not be

898   held and the candidates are considered nominated.

899   (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly

900   of voters or delegates.

901   (b) (i) By ordinance adopted before the June 1 that falls before a regular municipal

902   election, any third, fourth, or fifth class city or town may exempt itself from a primary election

903   by providing that the nomination of candidates for municipal office to be voted upon at a

904   municipal election be nominated by a political party convention or committee.

905   (ii) Any primary election exemption ordinance adopted under the authority of this

906   subsection remains in effect until repealed by ordinance.

907   (c) (i) A convention or committee may not nominate more than one group of

908   candidates or have placed on the ballot more than one group of candidates for the municipal

909   offices to be voted upon at the municipal election.

910   (ii) A convention or committee may nominate a person who has been nominated by a

911   different convention or committee.

912   (iii) A political party may not have more than one group of candidates placed upon the

913   ballot [and may not group the same candidates on different tickets by the same party under a

914   different name or emblem].

915   (d) (i) The convention or committee shall prepare a certificate of nomination for each

916   person nominated.

917   (ii) The certificate of nomination shall:

918   (A) contain the name of the office for which each person is nominated, the name, post

919   office address, and, if in a city, the street number of residence and place of business, if any, of

920   each person nominated;

921   (B) designate in not more than five words the political party that the convention or

922   committee represents;

923   (C) contain a copy of the resolution passed at the convention that authorized the

924   committee to make the nomination;

925   (D) contain a statement certifying that the name of the candidate nominated by the

926   political party will not appear on the ballot as a candidate for any other political party;

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

928   and

929   (F) contain a statement identifying the residence and post office address of the

930   presiding officer and secretary and certifying that the presiding officer and secretary were

931   officers of the convention or committee and that the certificates are true to the best of their

932   knowledge and belief.

933   (iii) Certificates of nomination shall be filed with the clerk not later than the sixth

934   Tuesday before the November municipal election.

935   (e) A committee appointed at a convention, if authorized by an enabling resolution,

936   may also make nominations or fill vacancies in nominations made at a convention.

937   (f) The election ballot shall substantially comply with the form prescribed in [Title

938   20A,] Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name

939   shall be included with the candidate's name by listing the candidate once for each political

940   party nomination the candidate receives.

941   (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the June 1

942   that falls before the regular municipal election that:

943   (i) exempts the city from the other methods of nominating candidates to municipal

944   office provided in this section; and

945   (ii) provides for a partisan primary election method of nominating candidates as

946   provided in this Subsection (4).

947   (b) (i) Any party that was a registered political party at the last regular general election

948   or regular municipal election is a municipal political party under this section.

949   (ii) Any political party may qualify as a municipal political party by presenting a

950   petition to the city recorder that:

951   (A) is signed by registered voters within the municipality equal to at least 20% of the

952   number of votes cast for all candidates for mayor in the last municipal election at which a

953   mayor was elected;

954   (B) is filed with the city recorder by the seventh Tuesday before the date of the

955   municipal primary election;

956   (C) is substantially similar to the form of the signature sheets described in Section

957   20A-7-303; and

958   (D) contains the name of the municipal political party using not more than five words.
959   (c) (i) If the number of candidates for a particular office does not exceed twice the
960   number of offices to be filled at the regular municipal election, no partisan primary election for
961   that office shall be held and the candidates are considered to be nominated.
962   (ii) If the number of candidates for a particular office exceeds twice the number of
963   offices to be filled at the regular municipal election, those candidates for municipal office shall
964   be nominated at a partisan primary election.
965   (d) The clerk shall ensure that:
966   (i) the partisan municipal primary ballot is similar to the ballot forms required by
967   Sections 20A-6-401 and 20A-6-401.1;
968   (ii) the candidates for each municipal political party are listed in one or more columns
969   under their party name and emblem;
970   (iii) the names of candidates of all parties are printed:
971   (A) on the same ballot[, but]; and
972   (B) under [their] each party designation for which the candidate receives a nomination;
973   (iv) every ballot is folded and perforated so as to separate the candidates of one party
974   from those of the other parties and so as to enable the elector to separate the part of the ballot
975   containing the names of the party of [his] the elector's choice from the remainder of the ballot;
976   and
977   (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
978   when detached, are similar in appearance to inside sections when detached.
979   (e) After marking a municipal primary ballot, the voter shall:
980   (i) detach the part of the ballot containing the names of the candidates of the party he
981   has voted from the rest of the ballot;
982   (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
983   and
984   (iii) fold the remainder of the ballot containing the names of the candidates of the
985   parties for whom the elector did not vote and deposit it in the blank ballot box.
986   (f) Immediately after the canvass, the election judges shall, without examination,
987   destroy the tickets deposited in the blank ballot box.

Legislative Review Note
     as of   2-22-11 11:09 AM

                                        Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 266

SHORT TITLE: Amendments to Election Law

SPONSOR: Madsen, M.

2011 GENERAL SESSION, STATE OF UTAH

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

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

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

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

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

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

2/24/2011, 12:09 PM, Lead Analyst: Allred, S./Attorney: ERB   Office of the Legislative Fiscal Analyst