

**PRESIDENTIAL CANDIDATE AMENDMENTS**

2011 THIRD SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Peter C. Knudson**

House Sponsor: Kraig Powell

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to elections.

**Highlighted Provisions:**

This bill:

- ▶ authorizes and establishes requirements for a political party to participate in a regular primary election for office of the President of the United States if there is no Western States Presidential Primary;
- ▶ directs the lieutenant governor to certify the results of the primary canvass to a political party by August 1;
- ▶ makes certain exceptions for presidential candidates in the primary election process;
- ▶ requires a political party to certify presidential electors by August 31; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-4-306**, as last amended by Laws of Utah 2009, Chapter 202

**20A-9-201**, as last amended by Laws of Utah 2011, Chapters 58 and 208

**20A-9-202.5**, as enacted by Laws of Utah 1999, Chapter 22

**20A-9-403 (Superseded 01/01/12)**, as last amended by Laws of Utah 2011, Chapters

30 292, 297, and 335

31 **20A-9-403 (Effective 01/01/12)**, as last amended by Laws of Utah 2011, Chapters 292,  
32 297, 327, and 335

33 **20A-9-802**, as last amended by Laws of Utah 2008, Chapter 225

34 **20A-13-301**, as last amended by Laws of Utah 2001, Chapter 78

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

37 Section 1. Section **20A-4-306** is amended to read:

38 **20A-4-306. Statewide canvass.**

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

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

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

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

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

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

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

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

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

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

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

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

57 (C) the number of votes from each county cast for each candidate and for and against

58 each ballot proposition;

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

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

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

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

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

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

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

70 (c) The lieutenant governor shall:

71 (i) prepare certificates of election for:

72 (A) each successful candidate; and

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

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

76 (iii) deliver a certificate of election to:

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

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

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

83 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
84 county;

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

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

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

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

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

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

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

97 (b) ~~[The]~~ Not later than the August 1 after the primary election, the lieutenant governor  
98 shall certify the results of:

99 (i) the primary canvass, except for the office of President of the United States, to the  
100 county clerks ~~[not later than the August 1 after the primary election.]; and~~

101 (ii) the primary canvass for the office of President of the United States to each  
102 registered political party that participated in the primary.

103 (6) (a) At noon on the day that falls seven days after the last day on which a county  
104 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary  
105 election, the lieutenant governor shall:

106 (i) canvass the returns; and

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

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

111 Section 2. Section **20A-9-201** is amended to read:

112 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
113 **more than one political party prohibited with exceptions -- General filing and form**

114 requirements -- Affidavit of impecuniosity.

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

116 (a) be a United States citizen; and

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

118 (2) (a) Except as provided in Subsection (2)(b), a person may not:

119 (i) file a declaration of candidacy for, or be a candidate for, more than one office in

120 Utah during any election year; or

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

122 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, President

123 or Vice President of the United States and another office, if the person resigns the person's

124 candidacy for the other office after the person is officially nominated for President or Vice

125 President of the United States.

126 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than

127 one justice court judge office.

128 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any  
129 declaration of candidacy, the filing officer shall:

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

132 (B) require the candidate to state whether or not the candidate meets those  
133 requirements.

134 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
135 county clerk shall ensure that the person filing that declaration of candidacy is:

136 (A) a United States citizen;

137 (B) an attorney licensed to practice law in Utah who is an active member in good  
138 standing of the Utah State Bar;

139 (C) a registered voter in the county in which the person is seeking office; and

140 (D) a current resident of the county in which the person is seeking office and either has  
141 been a resident of that county for at least one year or was appointed and is currently serving as

142 county attorney and became a resident of the county within 30 days after appointment to the  
143 office.

144 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
145 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
146 candidacy is:

147 (A) a United States citizen;

148 (B) an attorney licensed to practice law in Utah who is an active member in good  
149 standing of the Utah State Bar;

150 (C) a registered voter in the prosecution district in which the person is seeking office;  
151 and

152 (D) a current resident of the prosecution district in which the person is seeking office  
153 and either will have been a resident of that prosecution district for at least one year as of the  
154 date of the election or was appointed and is currently serving as district attorney and became a  
155 resident of the prosecution district within 30 days after receiving appointment to the office.

156 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the  
157 county clerk shall ensure that the person filing the declaration of candidacy:

158 (A) as of the date of filing:

159 (I) is a United States citizen;

160 (II) is a registered voter in the county in which the person seeks office;

161 (III) (Aa) has successfully met the standards and training requirements established for  
162 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
163 Certification Act; or

164 (Bb) has met the waiver requirements in Section 53-6-206; and

165 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
166 53-13-103; and

167 (B) as of the date of the election, shall have been a resident of the county in which the  
168 person seeks office for at least one year.

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

170 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
171 Education member, the filing officer shall ensure:

172 (A) that the person filing the declaration of candidacy also files the financial disclosure  
173 required by Section 20A-11-1603; and

174 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
175 provided to the lieutenant governor according to the procedures and requirements of Section  
176 20A-11-1603.

177 (b) If the prospective candidate states that the qualification requirements for the office  
178 are not met, the filing officer may not accept the prospective candidate's declaration of  
179 candidacy.

180 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the  
181 requirements of candidacy are met, the filing officer shall:

182 (i) inform the candidate that:

183 (A) the candidate's name will appear on the ballot as it is written on the declaration of  
184 candidacy;

185 (B) the candidate may be required to comply with state or local campaign finance  
186 disclosure laws; and

187 (C) the candidate is required to file a financial statement before the candidate's political  
188 convention under:

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

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

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

192 (ii) except for a presidential candidate, provide the candidate with a copy of the current  
193 campaign financial disclosure laws for the office the candidate is seeking and inform the  
194 candidate that failure to comply will result in disqualification as a candidate and removal of the  
195 candidate's name from the ballot;

196 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
197 Electronic Voter Information Website Program and inform the candidate of the submission

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

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

201 (A) signing the pledge is voluntary; and

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

203 (v) accept the candidate's declaration of candidacy; and

204 (vi) if the candidate has filed for a partisan office, provide a certified copy of the  
205 declaration of candidacy to the chair of the county or state political party of which the  
206 candidate is a member.

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

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

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

213 (4) Except for presidential candidates, the form of the declaration of candidacy shall be  
214 substantially as follows:

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

216 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office  
217 of \_\_\_\_ as a candidate for the \_\_\_\_ party. I do solemnly swear that: I will meet the  
218 qualifications to hold the office, both legally and constitutionally, if selected; I reside at  
219 \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I  
220 will not knowingly violate any law governing campaigns and elections; I will file all  
221 campaign financial disclosure reports as required by law; and I understand that failure  
222 to do so will result in my disqualification as a candidate for this office and removal of  
223 my name from the ballot. The mailing address that I designate for receiving official  
224 election notices is \_\_\_\_\_.

225 \_\_\_\_\_

226 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).  
227 Notary Public (or other officer qualified to administer oath.)"  
228 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
229 is:  
230 (i) \$25 for candidates for the local school district board; and  
231 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person  
232 holding the office, but not less than \$5, for all other federal, state, and county offices.  
233 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
234 any candidate:  
235 (i) who is disqualified; or  
236 (ii) who the filing officer determines has filed improperly.  
237 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
238 from candidates.  
239 (ii) The lieutenant governor shall:  
240 (A) apportion to and pay to the county treasurers of the various counties all fees  
241 received for filing of nomination certificates or acceptances; and  
242 (B) ensure that each county receives that proportion of the total amount paid to the  
243 lieutenant governor from the congressional district that the total vote of that county for all  
244 candidates for representative in Congress bears to the total vote of all counties within the  
245 congressional district for all candidates for representative in Congress.  
246 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
247 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
248 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
249 a financial statement filed at the time the affidavit is submitted.  
250 (ii) A person who is able to pay the filing fee may not claim impecuniosity.  
251 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
252 statement filed under this section shall be subject to the criminal penalties provided under  
253 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

254 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
255 considered an offense under this title for the purposes of assessing the penalties provided in  
256 Subsection 20A-1-609(2).

257 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
258 substantially the following form:

259 "Affidavit of Impecuniosity

260 Individual Name

261 \_\_\_\_\_ Address \_\_\_\_\_

262 Phone Number \_\_\_\_\_

263 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
264 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
265 law.

266 Date \_\_\_\_\_ Signature \_\_\_\_\_

267 Affiant

268 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

269 \_\_\_\_\_  
270 (signature)

271 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_ "

272 (v) The filing officer shall provide to a person who requests an affidavit of  
273 impecuniosity a statement printed in substantially the following form, which may be included  
274 on the affidavit of impecuniosity:

275 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
276 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
277 penalties, will be removed from the ballot."

278 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
279 under this Subsection (5)(d) file a financial statement on a form prepared by the election  
280 official.

281 (6) If there is no legislative appropriation for the Western States Presidential Primary

282 election, as provided in Part 8, Western States Presidential Primary, a candidate for President  
283 of the United States who is affiliated with a registered political party and chooses to participate  
284 in the regular primary election shall:

285 (a) file a declaration of candidacy, in person or via a designated agent, with the  
286 lieutenant governor:

287 (i) on a form developed and provided by the lieutenant governor; and  
288 (ii) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
289 March before the next regular primary election;

290 (b) identify the registered political party whose nomination the candidate is seeking;

291 (c) provide a letter from the registered political party certifying that the candidate may  
292 participate as a candidate for that party in that party's presidential primary election; and

293 (d) pay the filing fee of \$500.

294 [~~6~~] (7) Any person who fails to file a declaration of candidacy or certificate of  
295 nomination within the time provided in this chapter is ineligible for nomination to office.

296 [~~7~~] (8) A declaration of candidacy filed under this section may not be amended or  
297 modified after the final date established for filing a declaration of candidacy.

298 Section 3. Section **20A-9-202.5** is amended to read:

299 **20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.**

300 (1) As used in this section:

301 (a) "Presidential candidate" means a person seeking nomination for President of the  
302 United States from a Utah registered political party.

303 (b) "Utah registered political party" means a political party that has complied with the  
304 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a  
305 political party officially recognized by the state.

306 (2) Each presidential candidate, or the candidate's designated agent, shall file a  
307 declaration of candidacy with the lieutenant governor as provided in:

308 (a) Section 20A-9-803[-], for participation in the Western States Presidential Primary  
309 election; or

310 (b) Section 20A-9-201, for participation in the regular primary election.

311 Section 4. Section **20A-9-403 (Superseded 01/01/12)** is amended to read:

312 **20A-9-403 (Superseded 01/01/12). Regular primary elections.**

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

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

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

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

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

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

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

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

329 (ii) certify the name and office of each of its county candidates to the county clerks by  
330 5 p.m. on May 13 of each even-numbered year.

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

335 (d) [~~(i) Except as provided in Subsection (2)(d)(ii),~~ Except for presidential candidates,  
336 if a registered political party does not wish to participate in the primary election, it shall submit  
337 the names of its county candidates to the county clerks and the names of all of its candidates to

338 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

339 ~~[(ii) A registered political party's candidates for president and vice president of the~~  
 340 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~  
 341 ~~20A-9-202(4).]~~

342 ~~[(e) Each political party shall certify the names of its presidential and vice-presidential~~  
 343 ~~candidates and presidential electors to the lieutenant governor's office no later than September~~  
 344 ~~8 of each presidential election year.]~~

345 (3) The county clerk shall:

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

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

351 (c) determine the order of the candidates' names on the ballot in accordance with  
 352 Section 20A-6-305.

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

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

359 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
 360 votes cast for each office at the regular primary election are nominated by their party or  
 361 nonpartisan group for that office.

362 (b) If two or more candidates, other than presidential candidates, are to be elected to  
 363 the office at the regular general election, those party candidates equal in number to positions to  
 364 be filled who receive the highest number of votes at the regular primary election are the  
 365 nominees of their party for those positions.

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

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

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

378 Section 5. Section **20A-9-403 (Effective 01/01/12)** is amended to read:

379 **20A-9-403 (Effective 01/01/12). Regular primary elections.**

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

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

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

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

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

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

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

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

397 (ii) certify the name and office of each of its county candidates to the county clerks by  
398 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year.

399 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each  
400 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the  
401 names of all statewide candidates, multicounty candidates, or single county candidates that  
402 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in  
403 accordance with Section 20A-6-305.

404 (d) ~~[(i) Except as provided in Subsection (2)(d)(ii)]~~ Except for presidential candidates,  
405 if a registered political party does not wish to participate in the primary election, it shall submit  
406 the names of its county candidates to the county clerks and the names of all of its candidates to  
407 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

408 ~~[(ii) A registered political party's candidates for President and Vice-President of the~~  
409 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~  
410 ~~20A-9-202(4).]~~

411 ~~[(e) Each political party shall certify the names of its presidential and vice-presidential~~  
412 ~~candidates and presidential electors to the lieutenant governor's office no later than August 31~~  
413 ~~of each presidential election year.]~~

414 (3) The county clerk shall:

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

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

420 (c) determine the order of the candidates' names on the ballot in accordance with  
421 Section 20A-6-305.

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

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

428 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
429 votes cast for each office at the regular primary election are nominated by their party or  
430 nonpartisan group for that office.

431 (b) If two or more candidates, other than presidential candidates, are to be elected to  
432 the office at the regular general election, those party candidates equal in number to positions to  
433 be filled who receive the highest number of votes at the regular primary election are the  
434 nominees of their party for those positions.

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

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

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

447 Section 6. Section **20A-9-802** is amended to read:

448 **20A-9-802. Western States Presidential Primary established -- Other ballot items**  
449 **prohibited.**

450 (1) (a) (i) Contingent upon legislative appropriation, there is established a Western  
451 States Presidential Primary election to be held on the first Tuesday in February in the year in  
452 which a presidential election will be held.

453 (ii) A political party may participate in a regular primary election for the office of  
454 President of the United States only if there is no Western States Presidential Primary election in  
455 that year.

456 (b) Except as otherwise specifically provided in this chapter, county clerks shall  
457 administer the Western States Presidential Primary according to the provisions of Title 20A,  
458 Election Code, including:

459 (i) Title 20A, Chapter 1, General Provisions;

460 (ii) Title 20A, Chapter 2, Voter Registration;

461 (iii) Title 20A, Chapter 3, Voting;

462 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

463 (v) Title 20A, Chapter 5, Election Administration; and

464 (vi) Title 20A, Chapter 6, Ballot Form.

465 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western  
466 States Presidential Primary contains only the names of candidates for President of the United  
467 States who have qualified as provided in this part.

468 (ii) The county clerks may not present any other items to the voters to be voted upon at  
469 this election.

470 (2) Registered political parties, and candidates for President of the United States who  
471 are affiliated with a registered political party, may participate in the Western States Presidential  
472 Primary established by this part.

473 (3) As a condition for using the state's election system, each registered political party  
474 wishing to participate in Utah's Western States Presidential Primary shall:

475 (a) declare their intent to participate in the Western States Presidential Primary;

476 (b) identify one or more registered political parties whose members may vote for the  
477 registered political party's candidates and whether or not persons identified as unaffiliated with

478 a political party may vote for the registered political party's candidates; and

479 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June  
480 30 of the year before the year in which the presidential primary will be held.

481 Section 7. Section **20A-13-301** is amended to read:

482 **20A-13-301. Presidential elections -- Effect of vote.**

483 (1) (a) Each registered political party shall choose persons to act as presidential electors  
484 and to fill vacancies in the office of presidential electors for their party's candidates for  
485 President and Vice President according to the procedures established in their bylaws.

486 (b) [~~The person designated as liaison with the lieutenant governor's office shall~~  
487 ~~transmit] Each registered political party shall certify to the lieutenant governor the names and  
488 addresses of the persons selected by the political party as the party's presidential electors by  
489 August 31.~~

490 (2) The highest number of votes cast for a political party's president and vice president  
491 candidates elects the presidential electors selected by that political party.

492 Section 8. **Effective date.**

493 If approved by two-thirds of all the members elected to each house, this bill takes effect  
494 upon approval by the governor, or the day following the constitutional time limit of Utah  
495 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
496 the date of veto override.