

**ELECTION REQUIREMENTS AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill amends portions of the Election Code that relate to a write-in candidate.

**Highlighted Provisions:**

This bill:

- ▶ amends certain portions of the Election Code to require a ballot to contain a space for a write-in candidate only if a write-in candidate is qualified for the election;
- ▶ changes the deadline for a write-in candidate to file a declaration of candidacy for a regular general election; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-6-101**, as last amended by Laws of Utah 2009, Chapter 202

**20A-6-102**, as last amended by Laws of Utah 2006, Chapter 326

**20A-6-301**, as last amended by Laws of Utah 2012, Chapter 68

**20A-6-402**, as last amended by Laws of Utah 2012, Chapter 68

**20A-9-601**, as last amended by Laws of Utah 2013, Chapters 317 and 402



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

Section 1. Section **20A-6-101** is amended to read:

**20A-6-101. General requirements for paper ballots.**

(1) Each election officer shall ensure that paper ballots:

(a) are printed on only one side of the paper;

(b) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;

(c) are printed using precisely the same quality and kind of type;

(d) are printed using precisely the same quality and tint of plain black ink;

(e) are uniform in size for all the voting precincts within the election officer's jurisdiction; and

(f) include, in [~~elections where write-in voting is authorized~~] an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section [20A-9-601](#), a write-in column immediately adjacent to the last column on the ballot that is long enough to contain as many written names of candidates as there are persons to be elected with:

(i) the offices to be filled printed above the blank spaces on the ticket; and

(ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle.

(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Section 2. Section **20A-6-102** is amended to read:

**20A-6-102. General requirements for machine counted ballots.**

(1) Each election officer shall ensure that ballots and ballot labels are printed:

(a) to a size and arrangement that fits the construction of the voting device; and

(b) in plain, clear type in black ink on clear white stock; or

(c) in plain, clear type in black ink on stock of different colors if it is necessary to:

(i) identify different ballots or parts of the ballot; or

(ii) differentiate between political parties.

59 (2) Each election officer shall ensure that:

60 (a) ballot sheets are of a size, design, and stock suitable for processing by automatic  
61 data processing machines;

62 (b) each ballot sheet has an attached perforated stub, on which is printed the words  
63 "Official Ballot, (initial) Poll Worker"; and

64 (c) ballot stubs are numbered consecutively.

65 (3) In ~~[elections]~~ an election in which ~~[voters are]~~ a voter is authorized to cast a  
66 write-in ~~[votes]~~ vote and where a write-in candidate is qualified under Section [20A-9-601](#), the  
67 election officer shall provide a separate write-in ballot, which may be in the form of a paper  
68 ballot, a card, or a secrecy envelope in which the voter places his ballot sheet after voting, to  
69 permit voters to write in the title of the office and the name of the person or persons for whom  
70 the voter wishes to cast a write-in vote.

71 (4) Notwithstanding any other provisions of this section, the election officer may  
72 authorize any ballots that are to be counted by means of electronic or electromechanical  
73 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks  
74 that will be suitable for use in the counting devices in which they are intended to be placed.

75 Section 3. Section **20A-6-301** is amended to read:

76 **20A-6-301. Paper ballots -- Regular general election.**

77 (1) Each election officer shall ensure that:

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

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

82 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
83 stub; and

84 (iii) ballot stubs are numbered consecutively;

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

87 (i) "Official Ballot for \_\_\_\_ County, Utah";

88 (ii) the date of the election; and

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

90 (d) each ticket is placed in a separate column on the ballot in the order specified under  
91 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the  
92 column;

93 (e) the party name or title is printed in capital letters not less than one-fourth of an inch  
94 high;

95 (f) a circle one-half inch in diameter is printed immediately below the party name or  
96 title, and the top of the circle is placed not less than two inches below the perforated line;

97 (g) unaffiliated candidates and candidates not affiliated with a registered political party  
98 are listed in one column in the order specified under Section 20A-6-305, without a party circle,  
99 with the following instructions printed at the head of the column: "All candidates not affiliated  
100 with a political party are listed below. They are to be considered with all offices and  
101 candidates listed to the left. Only one vote is allowed for each office.";

102 (h) the columns containing the lists of candidates, including the party name and device,  
103 are separated by heavy parallel lines;

104 (i) the offices to be filled are plainly printed immediately above the names of the  
105 candidates for those offices;

106 (j) the names of candidates are printed in capital letters, not less than one-eighth nor  
107 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between  
108 lines or rules three-eighths of an inch apart;

109 (k) a square with sides measuring not less than one-fourth of an inch in length is  
110 printed immediately adjacent to the name of each candidate;

111 (l) for the offices of president and vice president and governor and lieutenant governor,  
112 one square with sides measuring not less than one-fourth of an inch in length is printed on the  
113 same side as but opposite a double bracket enclosing the names of the two candidates;

114 (m) in an election in which a voter is authorized to cast a write-in vote and where a  
115 write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the  
116 unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as  
117 many written names of candidates as there are persons to be elected with:

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

120 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a

121 square with sides measuring not less than one-fourth of an inch in length printed immediately  
122 adjacent to the blank horizontal line; or

123 (B) for the offices of president and vice president and governor and lieutenant  
124 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
125 valid write-in candidates, and one square with sides measuring not less than one-fourth of an  
126 inch in length printed on the same side as but opposite a double bracket enclosing the two  
127 blank horizontal lines; and

128 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
129 one-half inch circle;

130 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent  
131 to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated  
132 ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running  
133 vertically the full length of the nonpartisan ballot copy; and

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

136 (2) Each election officer shall ensure that:

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

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

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

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

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

146 (d) the ballots contain no other names.

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

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

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

152 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for  
153 which the voter may vote)" extend to the extreme right of the column;

154 (d) the nonpartisan candidates are grouped according to the office for which they are  
155 candidates;

156 (e) the names in each group are placed in the order specified under Section 20A-6-305  
157 with the surnames last; and

158 (f) each group is preceded by the designation of the office for which the candidates  
159 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of  
160 candidates for which the voter may vote)," according to the number to be elected.

161 (4) Each election officer shall ensure that:

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

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

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

168 Section 4. Section 20A-6-402 is amended to read:

169 **20A-6-402. Ballots for municipal general elections.**

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

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

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

176 (c) for other offices:

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

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

182 (d) the names of the candidates are placed on the ballot in the order specified under

183 Section [20A-6-305](#);

184 (e) in an election in which a voter is authorized to cast a write-in vote and where a  
185 write-in candidate is qualified under Section [20A-9-601](#), a write-in area is placed upon the  
186 ballot that contains, for each office in which there is a qualified write-in candidate:

187 (i) a blank, horizontal line to enable [~~the entry of~~] a voter to submit a valid write-in  
188 candidate; and

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

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

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

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

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

200 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
201 stub; and

202 (iii) ballot stubs are numbered consecutively;

203 (b) immediately below the perforated ballot stub, the following endorsements are  
204 printed in 18 point bold type:

205 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

206 (ii) the date of the election; and

207 (iii) a facsimile of the signature of the election officer and the election officer's title in  
208 eight-point type;

209 (c) immediately below the election officer's title, two one-point parallel horizontal  
210 rules separate endorsements from the rest of the ballot;

211 (d) immediately below the horizontal rules, an "Instructions to Voters" section is  
212 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the  
213 square following the name(s) of the person(s) you favor as the candidate(s) for each respective

214 office." followed by two one-point parallel rules;

215 (e) after the rules, the designation of the office for which the candidates seek election is  
216 printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to \_\_\_\_  
217 (the number of candidates for which the voter may vote)" are printed to extend to the extreme  
218 right of the column in 10-point bold type, followed by a hair-line rule;

219 (f) after the hair-line rule, the names of the candidates are printed in heavy face type  
220 between lines or rules three-eighths inch apart, in the order specified under Section [20A-6-305](#)  
221 with surnames last and grouped according to the office that they seek;

222 (g) a square with sides not less than one-fourth inch long is printed immediately  
223 adjacent to the names of the candidates;

224 (h) following the name of the last candidate for each office in which a write-in  
225 candidate is qualified under Section [20A-9-601](#), the ballot contains:

226 (i) a write-in space for each elective office in which a write-in candidate is qualified  
227 where the voter may enter the name of a valid write-in candidate; and

228 (ii) a square printed immediately adjacent to the write-in space or line where the voter  
229 may vote for ~~the~~ a valid write-in candidate; and

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

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

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

235 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
236 stub; and

237 (iii) ballot stubs are numbered consecutively;

238 (b) immediately below the perforated ballot stub, the following endorsements are  
239 printed:

240 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

241 (ii) the date of the election; and

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

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



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

248 (e) after the border or line, the designation of the office for which the candidates seek  
249 election is printed and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
250 candidates for which the voter may vote)" are printed, followed by a line or border;

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

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

255 (h) following the name of the last candidate for each office in which a write-in  
256 candidate is qualified under Section [20A-9-601](#), the ballot contains:

257 (i) a write-in space or blank line for each elective office in which a write-in candidate  
258 is qualified where the voter may enter the name of a valid write-in candidate; and

259 (ii) an oval [~~is~~] printed adjacent to the write-in space or line where the voter may vote  
260 for [~~the~~] a valid write-in candidate; and

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

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

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

265 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

266 (ii) the date of the election; and

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

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

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

273 (d) after the border or line, the designation of the office for which the candidates seek  
274 election is displayed, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
275 candidates for which the voter may vote)" are displayed, followed by a line or border;

276 (e) after the line or border, the names of the candidates are displayed in the order  
277 specified under Section 20A-6-305 with surnames last and grouped according to the office that  
278 they seek;

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

280 (g) following the name of the last candidate for each office in which a write-in  
281 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the  
282 voter may enter the name of and vote for a valid write-in candidate for the office; and

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

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

287 Section 5. Section 20A-9-601 is amended to read:

288 **20A-9-601. Qualifying as a write-in candidate.**

289 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration  
290 of candidacy in person, or through a designated agent for a candidate for president or vice  
291 president of the United States, with the appropriate filing officer not later than ~~[30]~~ 60 days  
292 before the regular general election or ~~[60 days before]~~ a municipal general election in which the  
293 person intends to be a write-in candidate.

294 (b) (i) The form of the declaration of candidacy for all offices, except president of the  
295 United States, is substantially as follows:

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

297 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
298 \_\_\_\_\_ for the \_\_\_\_\_ district (if applicable). I do solemnly swear that: I will meet the

299 qualifications to hold the office, both legally and constitutionally, if selected; I reside at

300 \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will

301 not knowingly violate any law governing campaigns and elections; I will file all campaign

302 financial disclosure reports as required by law; and I understand that failure to do so will result

303 in my disqualification as a candidate for this office and removal of my name from the ballot.

304 The mailing address that I designate for receiving official election notices is

305 \_\_\_\_\_.

306 \_\_\_\_\_

307 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

308 Notary Public (or other officer qualified to administer oath)."

309 (ii) The form of the declaration of candidacy for president of the United States is  
310 substantially as follows:

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

312 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of the  
313 president of the United States. I do solemnly swear that: I will meet the qualifications to hold  
314 the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City  
315 or Town of \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
316 any law governing campaigns and elections. The mailing address that I designate for receiving  
317 official election notices is \_\_\_\_\_. I designate \_\_\_\_\_ as  
318 my vice presidential candidate.

319 \_\_\_\_\_

320 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

321 Notary Public (or other officer qualified to administer oath)."

322 (iii) An agent designated to file a declaration of candidacy under Subsection (2) may  
323 not sign the form described in Subsection (1)(b)(i) or (ii).

324 (c) (i) The filing officer shall:

325 (A) read to the candidate the constitutional and statutory requirements for the office;  
326 and

327 (B) ask the candidate whether or not the candidate meets the requirements.

328 (ii) If the candidate cannot meet the requirements of office, the filing officer may not  
329 accept the write-in candidate's declaration of candidacy.

330 (2) Notwithstanding the requirement in Subsection (1) to file a declaration of  
331 candidacy in person, a person may designate an agent to file the declaration of candidacy in  
332 person with the filing officer if:

333 (a) the person is located outside the state during the filing period because:

334 (i) of employment with the state or the United States; or

335 (ii) the person is a member of:

336 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
337 Coast Guard of the United States who is on active duty;

338 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
339 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
340 States; or

341 (C) the National Guard on activated status; and

342 (b) the person communicates with the filing officer using an electronic device that  
343 allows the person and filing officer to see and hear each other.

344 (3) By November 1 of each regular general election year, the lieutenant governor shall  
345 certify to each county clerk the names of all write-in candidates who filed their declaration of  
346 candidacy with the lieutenant governor.

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**Legislative Review Note**

**as of 2-21-14 9:23 AM**

**Office of Legislative Research and General Counsel**