

1 **PRIMARY ELECTION PROCESS AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code in relation to primary and general elections.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines the term "undesigned candidate";
- 13 ▶ provides that, as a condition of having its candidates for elective office featured
- 14 with party affiliation on the ballot at a regular general election, a registered political
- 15 party shall, in addition to other requirements already existing in law:
- 16 • participate in the primary for each office where at least two candidates are
- 17 seeking the nomination of the registered political party; and
- 18 • for each office where at least two candidates are seeking the nomination of the
- 19 registered political party, submit to the election official, for the primary ballot,
- 20 the names of at least two candidates for nomination as the registered political
- 21 party's candidate; and
- 22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 20A-1-102, as last amended by Laws of Utah 2013, Chapter 320

30 20A-1-501, as last amended by Laws of Utah 2013, Chapter 317

31 20A-6-301, as last amended by Laws of Utah 2012, Chapter 68

32 20A-6-302, as last amended by Laws of Utah 2013, Chapter 317

33 20A-6-303, as last amended by Laws of Utah 2011, Chapter 292

34 20A-6-304, as last amended by Laws of Utah 2011, Chapter 292

35 20A-9-403, as last amended by Laws of Utah 2013, Chapter 317

36 20A-9-701, as last amended by Laws of Utah 2011, Chapter 327



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

39 Section 1. Section 20A-1-102 is amended to read:

40 **20A-1-102. Definitions.**

41 As used in this title:

42 (1) "Active voter" means a registered voter who has not been classified as an inactive
43 voter by the county clerk.

44 (2) "Automatic tabulating equipment" means apparatus that automatically examines
45 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

46 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
47 upon which a voter records the voter's votes.

48 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
49 envelopes.

50 (4) "Ballot sheet":

51 (a) means a ballot that:

52 (i) consists of paper or a card where the voter's votes are marked or recorded; and

53 (ii) can be counted using automatic tabulating equipment; and

54 (b) includes punch card ballots and other ballots that are machine-countable.

55 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

56 (a) contain the names of offices and candidates and statements of ballot propositions to
57 be voted on; and

58 (b) are used in conjunction with ballot sheets that do not display that information.

59 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
60 on the ballot for their approval or rejection including:

- 61 (a) an opinion question specifically authorized by the Legislature;
- 62 (b) a constitutional amendment;
- 63 (c) an initiative;
- 64 (d) a referendum;
- 65 (e) a bond proposition;
- 66 (f) a judicial retention question;
- 67 (g) an incorporation of a city or town; or
- 68 (h) any other ballot question specifically authorized by the Legislature.

69 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
70 together with a staple or stitch in at least three places across the top of the paper in the blank
71 space reserved for securing the paper.

72 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
73 [20A-4-306](#) to canvass election returns.

74 (9) "Bond election" means an election held for the purpose of approving or rejecting
75 the proposed issuance of bonds by a government entity.

76 (10) "Book voter registration form" means voter registration forms contained in a
77 bound book that are used by election officers and registration agents to register persons to vote.

78 (11) "Business reply mail envelope" means an envelope that may be mailed free of
79 charge by the sender.

80 (12) "By-mail voter registration form" means a voter registration form designed to be
81 completed by the voter and mailed to the election officer.

82 (13) "Canvass" means the review of election returns and the official declaration of
83 election results by the board of canvassers.

84 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
85 the canvass.

86 (15) "Contracting election officer" means an election officer who enters into a contract
87 or interlocal agreement with a provider election officer.

88 (16) "Convention" means the political party convention at which party officers and
89 delegates are selected.

90 (17) "Counting center" means one or more locations selected by the election officer in
91 charge of the election for the automatic counting of ballots.

92 (18) "Counting judge" means a poll worker designated to count the ballots during
93 election day.

94 (19) "Counting poll watcher" means a person selected as provided in Section
95 [20A-3-201](#) to witness the counting of ballots.

96 (20) "Counting room" means a suitable and convenient private place or room,
97 immediately adjoining the place where the election is being held, for use by the poll workers
98 and counting judges to count ballots during election day.

99 (21) "County officers" means those county officers that are required by law to be
100 elected.

101 (22) "Date of the election" or "election day" or "day of the election":

102 (a) means the day that is specified in the calendar year as the day that the election
103 occurs; and

104 (b) does not include:

105 (i) deadlines established for absentee voting; or

106 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
107 Voting.

108 (23) "Elected official" means:

109 (a) a person elected to an office under Section [20A-1-303](#);

110 (b) a person who is considered to be elected to a municipal office in accordance with
111 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

112 (c) a person who is considered to be elected to a local district office in accordance with
113 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

114 (24) "Election" means a regular general election, a municipal general election, a
115 statewide special election, a local special election, a regular primary election, a municipal
116 primary election, and a local district election.

117 (25) "Election Assistance Commission" means the commission established by Public
118 Law 107-252, the Help America Vote Act of 2002.

119 (26) "Election cycle" means the period beginning on the first day persons are eligible to
120 file declarations of candidacy and ending when the canvass is completed.

- 121 (27) "Election judge" means a poll worker that is assigned to:
- 122 (a) preside over other poll workers at a polling place;
- 123 (b) act as the presiding election judge; or
- 124 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 125 (28) "Election officer" means:
- 126 (a) the lieutenant governor, for all statewide ballots and elections;
- 127 (b) the county clerk for:
- 128 (i) a county ballot and election; and
- 129 (ii) a ballot and election as a provider election officer as provided in Section
- 130 [20A-5-400.1](#) or [20A-5-400.5](#);
- 131 (c) the municipal clerk for:
- 132 (i) a municipal ballot and election; and
- 133 (ii) a ballot and election as a provider election officer as provided in Section
- 134 [20A-5-400.1](#) or [20A-5-400.5](#);
- 135 (d) the local district clerk or chief executive officer for:
- 136 (i) a local district ballot and election; and
- 137 (ii) a ballot and election as a provider election officer as provided in Section
- 138 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 139 (e) the business administrator or superintendent of a school district for:
- 140 (i) a school district ballot and election; and
- 141 (ii) a ballot and election as a provider election officer as provided in Section
- 142 [20A-5-400.1](#) or [20A-5-400.5](#).
- 143 (29) "Election official" means any election officer, election judge, or poll worker.
- 144 (30) "Election results" means:
- 145 (a) for an election other than a bond election, the count of votes cast in the election and
- 146 the election returns requested by the board of canvassers; or
- 147 (b) for bond elections, the count of those votes cast for and against the bond
- 148 proposition plus any or all of the election returns that the board of canvassers may request.
- 149 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 150 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 151 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition

152 form, and the total votes cast form.

153 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
154 device or other voting device that records and stores ballot information by electronic means.

155 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
156 or logically associated with a record and executed or adopted by a person with the intent to sign
157 the record.

158 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

159 (b) "Electronic voting device" includes a direct recording electronic voting device.

160 (35) "Inactive voter" means a registered voter who has:

161 (a) been sent the notice required by Section 20A-2-306; and

162 (b) failed to respond to that notice.

163 (36) "Inspecting poll watcher" means a person selected as provided in this title to
164 witness the receipt and safe deposit of voted and counted ballots.

165 (37) "Judicial office" means the office filled by any judicial officer.

166 (38) "Judicial officer" means any justice or judge of a court of record or any county
167 court judge.

168 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
169 Local Government Entities - Local Districts, and includes a special service district under Title
170 17D, Chapter 1, Special Service District Act.

171 (40) "Local district officers" means those local district officers that are required by law
172 to be elected.

173 (41) "Local election" means a regular municipal election, a local special election, a
174 local district election, and a bond election.

175 (42) "Local political subdivision" means a county, a municipality, a local district, or a
176 local school district.

177 (43) "Local special election" means a special election called by the governing body of a
178 local political subdivision in which all registered voters of the local political subdivision may
179 vote.

180 (44) "Municipal executive" means:

181 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

182 or

183 (b) the mayor in the council-manager form of government defined in Subsection
184 10-3b-103(6).

185 (45) "Municipal general election" means the election held in municipalities and local
186 districts on the first Tuesday after the first Monday in November of each odd-numbered year
187 for the purposes established in Section 20A-1-202.

188 (46) "Municipal legislative body" means the council of the city or town in any form of
189 municipal government.

190 (47) "Municipal office" means an elective office in a municipality.

191 (48) "Municipal officers" means those municipal officers that are required by law to be
192 elected.

193 (49) "Municipal primary election" means an election held to nominate candidates for
194 municipal office.

195 (50) "Official ballot" means the ballots distributed by the election officer to the poll
196 workers to be given to voters to record their votes.

197 (51) "Official endorsement" means:

198 (a) the information on the ballot that identifies:

199 (i) the ballot as an official ballot;

200 (ii) the date of the election; and

201 (iii) the facsimile signature of the election officer; and

202 (b) the information on the ballot stub that identifies:

203 (i) the poll worker's initials; and

204 (ii) the ballot number.

205 (52) "Official register" means the official record furnished to election officials by the
206 election officer that contains the information required by Section 20A-5-401.

207 (53) "Paper ballot" means a paper that contains:

208 (a) the names of offices and candidates and statements of ballot propositions to be
209 voted on; and

210 (b) spaces for the voter to record the voter's vote for each office and for or against each
211 ballot proposition.

212 (54) "Political party" means an organization of registered voters that has qualified to
213 participate in an election by meeting the requirements of Chapter 8, Political Party Formation

214 and Procedures.

215 (55) (a) "Poll worker" means a person assigned by an election official to assist with an
216 election, voting, or counting votes.

217 (b) "Poll worker" includes election judges.

218 (c) "Poll worker" does not include a watcher.

219 (56) "Pollbook" means a record of the names of voters in the order that they appear to
220 cast votes.

221 (57) "Polling place" means the building where voting is conducted.

222 (58) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
223 in which the voter marks the voter's choice.

224 [~~(62)~~] (59) "Primary convention" means the political party conventions at which
225 nominees for the regular primary election are selected.

226 [~~(59)~~] (60) "Provider election officer" means an election officer who enters into a
227 contract or interlocal agreement with a contracting election officer to conduct an election for
228 the contracting election officer's local political subdivision in accordance with Section
229 [20A-5-400.1](#).

230 [~~(60)~~] (61) "Provisional ballot" means a ballot voted provisionally by a person:

231 (a) whose name is not listed on the official register at the polling place;

232 (b) whose legal right to vote is challenged as provided in this title; or

233 (c) whose identity was not sufficiently established by a poll worker.

234 [~~(61)~~] (62) "Provisional ballot envelope" means an envelope printed in the form
235 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
236 information to verify a person's legal right to vote.

237 (63) "Protective counter" means a separate counter, which cannot be reset, that:

238 (a) is built into a voting machine; and

239 (b) records the total number of movements of the operating lever.

240 (64) "Qualify" or "qualified" means to take the oath of office and begin performing the
241 duties of the position for which the person was elected.

242 (65) "Receiving judge" means the poll worker that checks the voter's name in the
243 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
244 after the voter has voted.

245 (66) "Registration form" means a book voter registration form and a by-mail voter
246 registration form.

247 (67) "Regular ballot" means a ballot that is not a provisional ballot.

248 (68) "Regular general election" means the election held throughout the state on the first
249 Tuesday after the first Monday in November of each even-numbered year for the purposes
250 established in Section [20A-1-201](#).

251 (69) "Regular primary election" means the election on the fourth Tuesday of June of
252 each even-numbered year, to nominate candidates of political parties and nonpolitical groups to
253 advance to the regular general election.

254 (70) "Resident" means a person who resides within a specific voting precinct in Utah.

255 (71) "Sample ballot" means a mock ballot similar in form to the official ballot printed
256 and distributed as provided in Section [20A-5-405](#).

257 (72) "Scratch vote" means to mark or punch the straight party ticket and then mark or
258 punch the ballot for one or more candidates who are members of different political parties.

259 (73) "Secrecy envelope" means the envelope given to a voter along with the ballot into
260 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
261 the voter's vote.

262 (74) "Special election" means an election held as authorized by Section [20A-1-203](#).

263 (75) "Spoiled ballot" means each ballot that:

264 (a) is spoiled by the voter;

265 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

266 (c) lacks the official endorsement.

267 (76) "Statewide special election" means a special election called by the governor or the
268 Legislature in which all registered voters in Utah may vote.

269 (77) "Stub" means the detachable part of each ballot.

270 (78) "Substitute ballots" means replacement ballots provided by an election officer to
271 the poll workers when the official ballots are lost or stolen.

272 (79) "Ticket" means each list of candidates for each political party or for each group of
273 petitioners.

274 (80) "Transfer case" means the sealed box used to transport voted ballots to the
275 counting center.

276 (81) "Undesignated candidate" means a candidate who is affiliated with a registered
277 political party that:

278 (a) did not comply with the provisions of Subsections 20A-9-403(1)(b) and (2) with
279 respect to the candidate; and

280 (b) complied with Subsection 20A-9-403(3)(b) with respect to the candidate.

281 ~~[(81)]~~ (82) "Vacancy" means the absence of a person to serve in any position created
282 by statute, whether that absence occurs because of death, disability, disqualification,
283 resignation, or other cause.

284 ~~[(82)]~~ (83) "Valid voter identification" means:

285 (a) a form of identification that bears the name and photograph of the voter which may
286 include:

287 (i) a currently valid Utah driver license;

288 (ii) a currently valid identification card that is issued by:

289 (A) the state; or

290 (B) a branch, department, or agency of the United States;

291 (iii) a currently valid Utah permit to carry a concealed weapon;

292 (iv) a currently valid United States passport; or

293 (v) a currently valid United States military identification card;

294 (b) one of the following identification cards, whether or not the card includes a
295 photograph of the voter:

296 (i) a valid tribal identification card;

297 (ii) a Bureau of Indian Affairs card; or

298 (iii) a tribal treaty card; or

299 (c) two forms of identification not listed under Subsection ~~[(82)]~~ (83)(a) or (b) but that
300 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
301 which may include:

302 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
303 election;

304 (ii) a bank or other financial account statement, or a legible copy thereof;

305 (iii) a certified birth certificate;

306 (iv) a valid Social Security card;

- 307 (v) a check issued by the state or the federal government or a legible copy thereof;
- 308 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 309 (vii) a currently valid Utah hunting or fishing license;
- 310 (viii) certified naturalization documentation;
- 311 (ix) a currently valid license issued by an authorized agency of the United States;
- 312 (x) a certified copy of court records showing the voter's adoption or name change;
- 313 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 314 (xii) a currently valid identification card issued by:
- 315 (A) a local government within the state;
- 316 (B) an employer for an employee; or
- 317 (C) a college, university, technical school, or professional school located within the
- 318 state; or

319 (xiii) a current Utah vehicle registration.

320 ~~[(83)]~~ (84) "Valid write-in candidate" means a candidate who has qualified as a

321 write-in candidate by following the procedures and requirements of this title.

322 ~~[(84)]~~ (85) "Voter" means a person who:

- 323 (a) meets the requirements for voting in an election;
- 324 (b) meets the requirements of election registration;
- 325 (c) is registered to vote; and
- 326 (d) is listed in the official register book.

327 ~~[(85)]~~ (86) "Voter registration deadline" means the registration deadline provided in

328 Section [20A-2-102.5](#).

329 ~~[(86)]~~ (87) "Voting area" means the area within six feet of the voting booths, voting

330 machines, and ballot box.

331 ~~[(87)]~~ (88) "Voting booth" means:

- 332 (a) the space or compartment within a polling place that is provided for the preparation
- 333 of ballots, including the voting machine enclosure or curtain; or
- 334 (b) a voting device that is free standing.

335 ~~[(88)]~~ (89) "Voting device" means:

- 336 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 337 piercing the ballots by the voter;

- 338 (b) a device for marking the ballots with ink or another substance;
339 (c) an electronic voting device or other device used to make selections and cast a ballot
340 electronically, or any component thereof;
341 (d) an automated voting system under Section 20A-5-302; or
342 (e) any other method for recording votes on ballots so that the ballot may be tabulated
343 by means of automatic tabulating equipment.

344 [~~89~~] (90) "Voting machine" means a machine designed for the sole purpose of
345 recording and tabulating votes cast by voters at an election.

346 [~~90~~] (91) "Voting poll watcher" means a person appointed as provided in this title to
347 witness the distribution of ballots and the voting process.

348 [~~91~~] (92) "Voting precinct" means the smallest voting unit established as provided by
349 law within which qualified voters vote at one polling place.

350 [~~92~~] (93) "Watcher" means a voting poll watcher, a counting poll watcher, an
351 inspecting poll watcher, and a testing watcher.

352 [~~93~~] (94) "Western States Presidential Primary" means the election established in
353 Chapter 9, Part 8, Western States Presidential Primary.

354 [~~94~~] (95) "Write-in ballot" means a ballot containing any write-in votes.

355 [~~95~~] (96) "Write-in vote" means a vote cast for a person whose name is not printed on
356 the ballot according to the procedures established in this title.

357 Section 2. Section 20A-1-501 is amended to read:

358 **20A-1-501. Candidate vacancies -- Procedure for filling.**

359 (1) The state central committee of a political party, for candidates for United States
360 senator, United States representative, governor, lieutenant governor, attorney general, state
361 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
362 more than one county, and the county central committee of a political party, for all other party
363 candidates seeking an office elected at a regular general election, may certify the name of
364 another candidate to the appropriate election officer if:

365 (a) for a registered political party that will have a candidate on a ballot in a primary
366 election, after the close of the period for filing a declaration of candidacy and continuing
367 through the day before the day on which the lieutenant governor makes the certification
368 described in Subsection 20A-9-403[~~(2)(c)~~](3)(a):

369 (i) only one or two candidates from that party have filed a declaration of candidacy for
370 that office; and

371 (ii) one or both:

372 (A) dies;

373 (B) resigns because of acquiring a physical or mental disability, certified by a
374 physician, that prevents the candidate from continuing the candidacy; or

375 (C) is disqualified by an election officer for improper filing or nominating procedures;

376 (b) for a registered political party that does not have a candidate on the ballot in a
377 primary, but that will have a candidate on the ballot for a general election, after the close of the
378 period for filing a declaration of candidacy and continuing through the day before the day on
379 which the lieutenant governor makes the certification described in Section 20A-5-409, the
380 party's candidate:

381 (i) dies;

382 (ii) resigns because of acquiring a physical or mental disability as certified by a
383 physician;

384 (iii) is disqualified by an election officer for improper filing or nominating procedures;

385 or

386 (iv) resigns to become a candidate for president or vice president of the United States;

387 or

388 (c) for a registered political party with a candidate certified as winning a primary
389 election, after the deadline described in Subsection (1)(a) and continuing through the day
390 before that day on which the lieutenant governor makes the certification described in Section
391 20A-5-409, the party's candidate:

392 (i) dies;

393 (ii) resigns because of acquiring a physical or mental disability as certified by a
394 physician;

395 (iii) is disqualified by an election officer for improper filing or nominating procedures;

396 or

397 (iv) resigns to become a candidate for president or vice president of the United States.

398 (2) If no more than two candidates from a political party have filed a declaration of
399 candidacy for an office elected at a regular general election and one resigns to become the party

400 candidate for another position, the state central committee of that political party, for candidates
401 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
402 legislative candidates whose legislative districts encompass more than one county, and the
403 county central committee of that political party, for all other party candidates, may certify the
404 name of another candidate to the appropriate election officer.

405 (3) Each replacement candidate shall file a declaration of candidacy as required by
406 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

407 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
408 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

409 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
410 described in Subsection (1)(b) may not appear on the general election ballot.

411 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
412 described in Subsection (1)(c) may not appear on the general election ballot.

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

414 **20A-6-301. Paper ballots -- Regular general election.**

415 (1) Each election officer shall ensure that:

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

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

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

422 (iii) ballot stubs are numbered consecutively;

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

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

426 (ii) the date of the election; and

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

428 (d) except as provided in Subsection (5), each ticket is placed in a separate column on
429 the ballot in the order specified under Section **20A-6-305** with the party emblem, followed by
430 the party name, at the head of the column;

431 (e) except as provided in Subsection (5), the party name or title is printed in capital
432 letters not less than one-fourth of an inch high;

433 (f) except as provided in Subsection (5), a circle one-half inch in diameter is printed
434 immediately below the party name or title, and the top of the circle is placed not less than two
435 inches below the perforated line;

436 (g) unaffiliated candidates [~~and~~], candidates not affiliated with a registered political
437 party, and undesignated candidates, are listed in one column in the order specified under
438 Section 20A-6-305, without a party circle, with the following instructions printed at the head of
439 the column: "All candidates not affiliated with a political party, or whose party affiliation is not
440 designated, are listed below. They are to be considered with all offices and candidates listed to
441 the left. Only one vote is allowed for each office.";

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

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

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

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

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

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

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

459 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
460 square with sides measuring not less than one-fourth of an inch in length printed immediately
461 adjacent to the blank horizontal line; or

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

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

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

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

474 (2) Each election officer shall ensure that:

475 (a) except as provided in Subsection (5), each person nominated by any political party
476 or group of petitioners is placed on the ballot:

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

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

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

482 (c) the names of all undesigned candidates are placed on the ballot;

483 [~~(c)~~] (d) the names of the candidates for president and vice president are used on the
484 ballot instead of the names of the presidential electors; and

485 [~~(d)~~] (e) the ballots contain no other names.

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

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

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

491 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
492 which the voter may vote)" extend to the extreme right of the column;

493 (d) the nonpartisan candidates are grouped according to the office for which they are
494 candidates;

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

497 (f) each group is preceded by the designation of the office for which the candidates
498 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
499 candidates for which the voter may vote)," according to the number to be elected.

500 (4) Each election officer shall ensure that:

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

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

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

507 (5) An undesignated candidate whose name appears on the ballot may not appear with
508 the candidate's party affiliation on the ballot.

509 Section 4. Section 20A-6-302 is amended to read:

510 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

513 (a) except as provided in Subsection 20A-6-301(5), each candidate is listed by party;

514 (b) candidates' surnames are listed in alphabetical order on the ballots when two or
515 more candidates' names are required to be listed on a ticket under the title of an office; and

516 (c) the names of candidates are placed on the ballot in the order specified under Section
517 20A-6-305.

518 (2) (a) When there is only one candidate for county attorney at the regular general
519 election in counties that have three or fewer registered voters of the county who are licensed
520 active members in good standing of the Utah State Bar, the county clerk shall cause that
521 candidate's name and, except as provided in Subsection 20A-6-301(5), party affiliation, if any,
522 to be placed on a separate section of the ballot with the following question: "Shall (name of
523 candidate) be elected to the office of county attorney? Yes ____ No ____."

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

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

529 (d) When the name of only one candidate for county attorney is printed on the ballot
530 under authority of this Subsection (2), the county clerk may not count any write-in votes
531 received for the office of county attorney.

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

535 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
536 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
537 two consecutive terms immediately preceding the term for which the candidate is seeking
538 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
539 unopposed candidate the same as any other unopposed candidate for another office, unless a
540 petition is filed with the county clerk before the date of that year's primary election that:

- 541 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
- 542 (ii) contains the signatures of registered voters in the county representing in number at
543 least 25% of all votes cast in the county for all candidates for governor at the last election at
544 which a governor was elected.

545 (3) (a) When there is only one candidate for district attorney at the regular general
546 election in a prosecution district that has three or fewer registered voters of the district who are
547 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
548 that candidate's name and, except as provided in Subsection [20A-6-301\(5\)](#), party affiliation, if
549 any, to be placed on a separate section of the ballot with the following question: "Shall (name
550 of candidate) be elected to the office of district attorney? Yes ____ No ____."

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

553 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
554 elected and may not take office, nor may the candidate continue in the office past the end of the

555 term resulting from any prior election or appointment.

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

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

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

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

572 Section 5. Section **20A-6-303** is amended to read:

573 **20A-6-303. Regular general election -- Ballot sheets.**

574 (1) Each election officer shall ensure that:

- 575 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
576 approximately the same order as paper ballots;
- 577 (b) the titles of offices and the names of candidates are printed in vertical columns or in
578 a series of separate pages;
- 579 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to
580 include, after the list of candidates:
- 581 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
582 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 583 (d) except as provided in Subsection [20A-6-301\(5\)](#):
- 584 [~~(d)~~] (i) a voting square or position is included where the voter may record a straight
585 party ticket vote for all the candidates of one party by one mark or punch; and

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

588 (e) the tickets are printed in the order specified under Section 20A-6-305;

589 (f) the office titles are printed immediately adjacent to the names of candidates so as to
590 indicate clearly the candidates for each office and the number to be elected;

591 (g) except as provided in Subsection 20A-6-301(5), the party designation of each
592 candidate is printed immediately adjacent to the candidate's name; and

593 (h) (i) if possible, all candidates for one office are grouped in one column or upon one
594 page;

595 (ii) if all candidates for one office cannot be listed in one column or grouped on one
596 page:

597 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of
598 candidates is continued on the following column or page; and

599 (B) approximately the same number of names shall be printed in each column or on
600 each page.

601 (2) Each election officer shall ensure that:

602 (a) proposed amendments to the Utah Constitution are listed in accordance with
603 Section 20A-6-107;

604 (b) ballot propositions submitted to the voters are listed in accordance with Section
605 20A-6-107; and

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

608 Section 6. Section 20A-6-304 is amended to read:

609 **20A-6-304. Regular general election -- Electronic ballots.**

610 (1) Each election officer shall ensure that:

611 (a) the format and content of the electronic ballot is arranged in approximately the
612 same order as paper ballots;

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

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

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

- 617 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 618 (d) except as provided in Subsection [20A-6-301\(5\)](#):
- 619 ~~[(d)]~~ (i) a voting square or position is included where the voter may record a straight
620 party ticket vote for all the candidates of one party by making a single selection; and
- 621 (ii) the name of each political party listed in the straight party selection area includes
622 the word "party" at the end of the party's name;
- 623 (e) the tickets are displayed in the order specified under Section [20A-6-305](#);
- 624 (f) the office titles are displayed above or at the side of the names of candidates so as to
625 indicate clearly the candidates for each office and the number to be elected;
- 626 (g) except as provided in Subsection [20A-6-301\(5\)](#), the party designation of each
627 candidate is displayed adjacent to the candidate's name; and
- 628 (h) if possible, all candidates for one office are grouped in one column or upon one
629 display screen.
- 630 (2) Each election officer shall ensure that:
- 631 (a) proposed amendments to the Utah Constitution are displayed in accordance with
632 Section [20A-6-107](#);
- 633 (b) ballot propositions submitted to the voters are displayed in accordance with Section
634 [20A-6-107](#); and
- 635 (c) bond propositions that have qualified for the ballot are displayed under the title
636 assigned to each bond proposition under Section [11-14-206](#).
- 637 Section 7. Section **20A-9-403** is amended to read:
- 638 **20A-9-403. Regular primary elections.**
- 639 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
640 primary election day.
- 641 (b) Each registered political party that ~~[chooses to use the primary election process to~~
642 ~~nominate some or all of its candidates shall]~~ desires to have the names of the registered
643 political party's candidates for elective office featured with party affiliation on the ballot at a
644 regular general election shall:
- 645 (i) participate in the primary election for each office for which at least two candidates
646 are seeking the nomination of the registered political party; and
- 647 (ii) comply with the requirements of [this section] Subsections (2) and (3)(b).

648 (2) (a) ~~[As a condition for using the state's election system, each]~~ Before 5 p.m. on
649 March 1 of each even-numbered year, each registered political party that ~~[wishes to]~~ will
650 participate in the primary election shall:

651 (i) declare ~~[their]~~ the political party's intent to participate in the primary election; and

652 (ii) identify one or more registered political parties whose members may vote for the
653 registered political party's candidates and whether or not persons identified as unaffiliated with
654 a political party may vote for the registered political party's candidates~~[-and]~~.

655 ~~[(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1~~
656 ~~of each even-numbered year.]~~

657 (b) ~~[As a condition for using the state's election system]~~ Before 5 p.m. on the first
658 Monday after the third Saturday in April of each even-numbered year, each registered political
659 party that ~~[wishes to]~~ will participate in the primary election shall:

660 ~~[(i) certify the name and office of all of the registered political party's candidates to the~~
661 ~~lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of~~
662 ~~each even-numbered year and indicate which of the candidates will be on the primary ballot;~~
663 ~~and]~~

664 ~~[(ii) certify the name and office of each of its county candidates to the county clerks by~~
665 ~~5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and~~
666 ~~indicate which of the candidates will be on the primary ballot.]~~

667 (i) for each office for which the registered political party will have a candidate, certify
668 to the lieutenant governor:

669 (A) the names of at least two candidates to appear on the primary election ballot as the
670 registered political party's candidates for that office; or

671 (B) if only one candidate sought the registered political party's nomination, the name of
672 that candidate; and

673 (ii) for each county office for which the registered political party will have a candidate,
674 certify to the county clerk:

675 (A) the names of at least two candidates to appear on the primary election ballot as the
676 registered political party's candidates for that office; or

677 (B) if only one candidate sought the registered political party's nomination, the name of
678 that candidate.

679 ~~[(c)]~~ (3) (a) By 5 p.m. on the first Wednesday after the third Saturday in April of each
 680 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
 681 names of all statewide candidates, multicounty candidates, or single county candidates that
 682 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in
 683 accordance with Section [20A-6-305](#).

684 ~~[(d)]~~ (b) Except for presidential candidates, if a registered political party [~~does not wish~~
 685 ~~to~~] will not participate in the primary election, [~~it~~] the registered political party shall submit the
 686 names of its county candidates to the county clerks and the names of all of its candidates to the
 687 lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

688 ~~[(3)]~~ (4) The county clerk shall:

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

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

694 (c) determine the order of the candidates' names on the ballot in accordance with
 695 Section [20A-6-305](#).

696 ~~[(4)]~~ (5) After the county clerk receives the certified list from a registered political
 697 party, the county clerk shall post or publish a primary election notice in substantially the
 698 following form:

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

703 ~~[(5)]~~ (6) (a) Candidates, other than presidential candidates, receiving the highest
 704 number of votes cast for each office at the regular primary election are nominated by their party
 705 or nonpartisan group for that office.

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

710 [~~(6)~~] (7) (a) When a tie vote occurs in any primary election for any national, state, or
711 other office that represents more than one county, the governor, lieutenant governor, and
712 attorney general shall, at a public meeting called by the governor and in the presence of the
713 candidates involved, select the nominee by lot cast in whatever manner the governor
714 determines.

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

719 [~~(7)~~] (8) The expense of providing all ballots, blanks, or other supplies to be used at
720 any primary election provided for by this section, and all expenses necessarily incurred in the
721 preparation for or the conduct of that primary election shall be paid out of the treasury of the
722 county or state, in the same manner as for the regular general elections.

723 Section 8. Section **20A-9-701** is amended to read:

724 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

725 (1) No later than August 31 of each regular general election year, the lieutenant
726 governor shall certify to each county clerk the names of each candidate, including candidates
727 for president and vice president, certified by each registered political party as that party's
728 nominees for offices to be voted upon at the regular general election in that county clerk's
729 county.

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

732 (3) A candidate whose name appears on the regular general election ballot may not
733 appear with the candidate's party affiliation on the ballot, unless the registered political party
734 for which the candidate is a nominee complied, on behalf of the candidate, with the provisions
735 of Subsections 20A-9-403(1)(b) and (2).

Legislative Review Note
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Office of Legislative Research and General Counsel