

**ELECTION LAW MODIFICATIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to election law.

**Highlighted Provisions:**

This bill:

- ▶ amends and corrects provisions relating to primary elections;
- ▶ changes the date on which a county clerk is required to provide an election notice;
- ▶ modifies the political party registration petition;
- ▶ modifies provisions relating to a declaration of candidacy;
- ▶ amends provisions relating to notifications that a qualified political party is required to provide to the lieutenant governor;
- ▶ amends ballot provisions;
- ▶ modifies provisions relating to rulemaking authority;
- ▶ amends provisions relating to candidate nomination and certification;
- ▶ amends provisions relating to nomination petitions;
- ▶ amends provisions relating to straight party voting; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391

31 **20A-1-201.5**, as last amended by Laws of Utah 2013, Chapter 320

32 **20A-3-106**, as last amended by Laws of Utah 2006, Chapter 326

33 **20A-5-101**, as last amended by Laws of Utah 2014, Chapters 17 and 362

34 **20A-6-303**, as last amended by Laws of Utah 2014, Chapter 17

35 **20A-6-304**, as last amended by Laws of Utah 2014, Chapter 17

36 **20A-9-101**, as last amended by Laws of Utah 2014, Chapter 17

37 **20A-9-201**, as last amended by Laws of Utah 2014, Chapter 17

38 **20A-9-202**, as last amended by Laws of Utah 2014, Chapter 17

39 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17

40 **20A-9-406**, as enacted by Laws of Utah 2014, Chapter 17

41 **20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17

42 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17

43 **20A-9-701**, as last amended by Laws of Utah 2014, Chapter 17

44 ENACTS:

45 **20A-9-408.5**, Utah Code Annotated 1953

46 **20A-9-411**, Utah Code Annotated 1953



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

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

50 **20A-1-102. Definitions.**

51 As used in this title:

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

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

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

58 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy

59 envelopes.

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

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

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

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

66 (a) an opinion question specifically authorized by the Legislature;

67 (b) a constitutional amendment;

68 (c) an initiative;

69 (d) a referendum;

70 (e) a bond proposition;

71 (f) a judicial retention question;

72 (g) an incorporation of a city or town; or

73 (h) any other ballot question specifically authorized by the Legislature.

74 (6) "Ballot sheet":

75 (a) means a ballot that:

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

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

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

79 (7) "Bind," "binding," or "bound" means securing more than one piece of paper

80 together with a staple or stitch in at least three places across the top of the paper in the blank  
81 space reserved for securing the paper.

82 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
83 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

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

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

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

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

104 (19) "Counting poll watcher" means a person selected as provided in Section  
105 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

114 (b) does not include:

115 (i) deadlines established for absentee voting; or

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

118 (23) "Elected official" means:

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

120 (b) a person who is considered to be elected to a municipal office in accordance with

121 Subsection 20A-1-206(1)(c)(ii); or

122 (c) a person who is considered to be elected to a local district office in accordance with

123 Subsection 20A-1-206(3)(c)(ii).

124 (24) "Election" means a regular general election, a municipal general election, a  
125 statewide special election, a local special election, a regular primary election, a municipal  
126 primary election, and a local district election.

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

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

131 (27) "Election judge" means a poll worker that is assigned to:

132 (a) preside over other poll workers at a polling place;

133 (b) act as the presiding election judge; or

134 (c) serve as a canvassing judge, counting judge, or receiving judge.

135 (28) "Election officer" means:

136 (a) the lieutenant governor, for all statewide ballots and elections;

137 (b) the county clerk for:

138 (i) a county ballot and election; and

139 (ii) a ballot and election as a provider election officer as provided in Section  
140 20A-5-400.1 or 20A-5-400.5;

141 (c) the municipal clerk for:

142 (i) a municipal ballot and election; and

143 (ii) a ballot and election as a provider election officer as provided in Section  
144 20A-5-400.1 or 20A-5-400.5;

145 (d) the local district clerk or chief executive officer for:

146 (i) a local district ballot and election; and

147 (ii) a ballot and election as a provider election officer as provided in Section  
148 20A-5-400.1 or 20A-5-400.5; or

149 (e) the business administrator or superintendent of a school district for:

150 (i) a school district ballot and election; and

151 (ii) a ballot and election as a provider election officer as provided in Section

152 20A-5-400.1 or 20A-5-400.5.

153 (29) "Election official" means any election officer, election judge, or poll worker.

154 (30) "Election results" means:

155 (a) for an election other than a bond election, the count of votes cast in the election and  
156 the election returns requested by the board of canvassers; or

157 (b) for bond elections, the count of those votes cast for and against the bond  
158 proposition plus any or all of the election returns that the board of canvassers may request.

159 (31) "Election returns" includes the pollbook, the military and overseas absentee voter  
160 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all  
161 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition  
162 form, and the total votes cast form.

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

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

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

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

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

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

172 (b) failed to respond to that notice.

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

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

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

178 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
179 Local Government Entities - Local Districts, and includes a special service district under Title  
180 17D, Chapter 1, Special Service District Act.

181 (40) "Local district officers" means those local district board members that are required  
182 by law to be elected.

183 (41) "Local election" means a regular county election, a regular municipal election, a  
184 municipal primary election, a local special election, a local district election, and a bond  
185 election.

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

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

191 (44) "Municipal executive" means:

192 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

193 or

194 (b) the mayor in the council-manager form of government defined in Subsection  
195 [10-3b-103\(6\)](#).

196 (45) "Municipal general election" means the election held in municipalities and, as  
197 applicable, local districts on the first Tuesday after the first Monday in November of each  
198 odd-numbered year for the purposes established in Section [20A-1-202](#).

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

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

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

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

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

208 (51) "Official endorsement" means:

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

210 (i) the ballot as an official ballot;

211 (ii) the date of the election; and

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

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

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

215 (ii) the ballot number.

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

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

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

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

223 (54) "Pilot project" means the election day voter registration pilot project created in  
224 Section 20A-4-108.

225 (55) "Political party" means an organization of registered voters that has qualified to  
226 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
227 and Procedures.

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

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

231 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
232 election, voting, or counting votes.

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

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

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

237 (60) "Primary convention" means the political party conventions held during the year  
238 of the regular general election.

239 (61) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

242 (62) "Provider election officer" means an election officer who enters into a contract or  
243 interlocal agreement with a contracting election officer to conduct an election for the  
244 contracting election officer's local political subdivision in accordance with Section



245 20A-5-400.1.

246 (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

250 (64) "Provisional ballot envelope" means an envelope printed in the form required by  
251 Section 20A-6-105 that is used to identify provisional ballots and to provide information to  
252 verify a person's legal right to vote.

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

255 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
256 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
257 after the voter has voted.

258 (67) "Registration form" means a book voter registration form and a by-mail voter  
259 registration form.

260 (68) "Regular ballot" means a ballot that is not a provisional ballot.

261 (69) "Regular general election" means the election held throughout the state on the first  
262 Tuesday after the first Monday in November of each even-numbered year for the purposes  
263 established in Section 20A-1-201.

264 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
265 each even-numbered year, to nominate candidates of political parties and candidates for  
266 nonpartisan local school board positions to advance to the regular general election.

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

268 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
269 and distributed as provided in Section 20A-5-405.

270 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
271 punch the ballot for one or more candidates who are members of different political parties or  
272 who are unaffiliated.

273 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
274 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
275 the voter's vote.

276 (75) "Special election" means an election held as authorized by Section 20A-1-203.

277 (76) "Spoiled ballot" means each ballot that:

278 (a) is spoiled by the voter;

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

280 (c) lacks the official endorsement.

281 (77) "Statewide special election" means a special election called by the governor or the  
282 Legislature in which all registered voters in Utah may vote.

283 (78) "Stub" means the detachable part of each ballot.

284 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
285 the poll workers when the official ballots are lost or stolen.

286 (80) "Ticket" means each list of candidates for each political party or for each group of  
287 petitioners.

288 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
289 counting center.

290 (82) "Vacancy" means the absence of a person to serve in any position created by  
291 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
292 or other cause.

293 (83) "Valid voter identification" means:

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

296 (i) a currently valid Utah driver license;

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

298 (A) the state; or

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

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

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

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

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

305 (i) a valid tribal identification card;

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

- 307 (iii) a tribal treaty card; or  
308 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear  
309 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
310 may include:
- 311 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
312 election;
  - 313 (ii) a bank or other financial account statement, or a legible copy thereof;
  - 314 (iii) a certified birth certificate;
  - 315 (iv) a valid Social Security card;
  - 316 (v) a check issued by the state or the federal government or a legible copy thereof;
  - 317 (vi) a paycheck from the voter's employer, or a legible copy thereof;
  - 318 (vii) a currently valid Utah hunting or fishing license;
  - 319 (viii) certified naturalization documentation;
  - 320 (ix) a currently valid license issued by an authorized agency of the United States;
  - 321 (x) a certified copy of court records showing the voter's adoption or name change;
  - 322 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
  - 323 (xii) a currently valid identification card issued by:
    - 324 (A) a local government within the state;
    - 325 (B) an employer for an employee; or
    - 326 (C) a college, university, technical school, or professional school located within the  
327 state; or
    - 328 (xiii) a current Utah vehicle registration.
- 329 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in  
330 candidate by following the procedures and requirements of this title.
- 331 (85) "Voter" means a person who:
- 332 (a) meets the requirements for voting in an election;
  - 333 (b) meets the requirements of election registration;
  - 334 (c) is registered to vote; and
  - 335 (d) is listed in the official register book.
- 336 (86) "Voter registration deadline" means the registration deadline provided in Section  
337 [20A-2-102.5](#).

338 (87) "Voting area" means the area within six feet of the voting booths, voting  
339 machines, and ballot box.

340 (88) "Voting booth" means:

341 (a) the space or compartment within a polling place that is provided for the preparation  
342 of ballots, including the voting machine enclosure or curtain; or

343 (b) a voting device that is free standing.

344 (89) "Voting device" means:

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

347 (b) a device for marking the ballots with ink or another substance;

348 (c) an electronic voting device or other device used to make selections and cast a ballot  
349 electronically, or any component thereof;

350 (d) an automated voting system under Section [20A-5-302](#); or

351 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
352 by means of automatic tabulating equipment.

353 (90) "Voting machine" means a machine designed for the sole purpose of recording  
354 and tabulating votes cast by voters at an election.

355 (91) "Voting poll watcher" means a person appointed as provided in this title to  
356 witness the distribution of ballots and the voting process.

357 (92) "Voting precinct" means the smallest voting unit established as provided by law  
358 within which qualified voters vote at one polling place.

359 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
360 poll watcher, and a testing watcher.

361 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
362 Part 8, Western States Presidential Primary.

363 (95) "Write-in ballot" means a ballot containing any write-in votes.

364 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the  
365 ballot according to the procedures established in this title.

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

367 **20A-1-201.5. Primary election dates.**

368 (1) A regular primary election shall be held throughout the state on the fourth Tuesday

369 of June of each even numbered year as provided in Section [20A-9-403](#), [20A-9-407](#), or  
370 [20A-9-408](#), as applicable, to nominate persons for national, state, school board, and county  
371 offices.

372 (2) A municipal primary election shall be held, if necessary, on the second Tuesday  
373 following the first Monday in August before the regular municipal election to nominate persons  
374 for municipal offices.

375 (3) If the Legislature makes an appropriation for a Western States Presidential Primary  
376 election, the Western States Presidential Primary election shall be held throughout the state on  
377 the first Tuesday in February in the year in which a presidential election will be held.

378 Section 3. Section **20A-3-106** is amended to read:

379 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**  
380 **of unnecessary marking of cross.**

381 (1) When voting a paper ballot, any voter desiring to vote for all the candidates who are  
382 listed on the ballot as being from any one registered political party may:

383 (a) mark in the circle or position above that political party;

384 (b) mark in the squares or position opposite the names of all candidates for that party  
385 ticket; or

386 (c) make both markings.

387 (2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates who  
388 are listed on the ballot as being from any one registered political party may:

389 (i) mark the selected party on the straight party page or section; or

390 (ii) mark the name of each candidate from that party.

391 (b) To vote for candidates from two or more political parties, the voter may:

392 (i) mark in the squares or positions opposite the names of the candidates for whom the  
393 voter wishes to vote without marking in any circle; or

394 (ii) indicate [~~his~~] the voter's choice by:

395 (A) marking in the circle or position above one political party; and

396 (B) marking in the squares or positions opposite the names of desired candidates who  
397 are members of any party, are unaffiliated, or are listed without party name.

398 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the  
399 candidates who are listed on the ballot as being from any one registered political party may:

- 400 (i) select that party on the straight party selection area; or  
401 (ii) select the name of each candidate from that party.
- 402 (b) To vote for candidates from two or more political parties, the voter may:
- 403 (i) select the names of the candidates for whom the voter wishes to vote without  
404 selecting a political party in the straight party selection area; or  
405 (ii) (A) select a political party in the straight party selection area; and  
406 (B) select the names of the candidates for whom the voter wishes to vote who are  
407 members of any party, are unaffiliated, or are listed without party name.
- 408 (4) In any election other than a primary election, if a voter voting a ballot has selected  
409 or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote  
410 for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall  
411 select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.
- 412 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:
- 413 (i) by entering the name of a valid write-in candidate:
- 414 (A) by writing the name of a valid write-in candidate in the blank write-in section of  
415 the ballot; or  
416 (B) by affixing a sticker with the office and name of the valid write-in name printed on  
417 it in the blank write-in part of the ballot; and
- 418 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's  
419 vote.
- 420 (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person  
421 whose name is written or whose sticker appears in the blank write-in part of the ballot, if a  
422 mark is made opposite that name.
- 423 (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on  
424 the ticket below the marked circle does not affect the validity of the vote.
- 425 (6) The voter may cast a write-in vote on an electronic ballot by:
- 426 (a) marking the appropriate position opposite the area for entering a write-in candidate  
427 for the office sought by the candidate for whom the voter wishes to vote; and  
428 (b) entering the name of a valid write-in candidate in the write-in selection area.
- 429 Section 4. Section **20A-5-101** is amended to read:
- 430 **20A-5-101. Notice of election.**

431 (1) On or before November 15 in the year before each regular general election year, the  
432 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

433 (a) designates the offices to be filled at the next year's regular general election;  
434 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
435 certifying nomination petition signatures, as applicable, under ~~[Section]~~ Sections 20A-9-403,  
436 20A-9-407, and 20A-9-408 for those offices;

437 (c) includes the master ballot position list for the next year and the year following as  
438 established under Section 20A-6-305; and

439 (d) contains a description of any ballot propositions to be decided by the voters that  
440 have qualified for the ballot as of that date.

441 (2) (a) No later than ~~[November 15 in the year before the regular general election year]~~  
442 seven business days after the day on which the lieutenant governor transmits the written notice  
443 described in Subsection (1), each county clerk shall:

444 (i) publish a notice:

445 (A) once in a newspaper published in that county; and

446 (B) as required in Section 45-1-101; or

447 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to  
448 give notice of the election to the voters in each voting precinct within the county; and

449 (B) prepare an affidavit of that posting, showing a copy of the notice and the places  
450 where the notice was posted.

451 (b) The notice required by Subsection (2)(a) shall:

452 (i) designate the offices to be voted on in that election; and

453 (ii) identify the dates for filing a declaration of candidacy for those offices.

454 (3) Before each election, the election officer shall give written or printed notice of:

455 (a) the date and place of election;

456 (b) the hours during which the polls will be open;

457 (c) the polling places for each voting precinct;

458 (d) an election day voting center designated under Section 20A-3-703; and

459 (e) the qualifications for persons to vote in the election.

460 (4) To provide the notice required by Subsection (3), the election officer shall publish  
461 the notice at least two days before the election:

462 (a) in a newspaper of general circulation common to the area or in which the election is  
463 being held; and

464 (b) as required in Section 45-1-101.

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

466 **20A-6-303. Regular general election -- Ballot sheets.**

467 (1) Each election officer shall ensure that:

468 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in  
469 approximately the same order as paper ballots;

470 (b) the titles of offices and the names of candidates are printed in vertical columns or in  
471 a series of separate pages;

472 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to  
473 include, after the list of candidates:

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

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

476 (d) (i) a voting square or position is included where the voter may record a straight  
477 party ticket vote for all the candidates ~~[of]~~ who are listed on the ballot as being from one party  
478 by one mark or punch; and

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

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

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

484 (g) the party designation of each candidate who has been nominated by a registered  
485 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is printed  
486 immediately adjacent to the candidate's name; and

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

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

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



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

495 (2) Each election officer shall ensure that:

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

498 (b) ballot propositions submitted to the voters are listed in accordance with Section  
499 20A-6-107; and

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

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

503 **20A-6-304. Regular general election -- Electronic ballots.**

504 (1) Each election officer shall ensure that:

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

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

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

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

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

512 (d) (i) a voting square or position is included where the voter may record a straight  
513 party ticket vote for all the candidates [øf] who are listed on the ballot as being from one party  
514 by making a single selection; and

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

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

518 (f) the office titles are displayed above or at the side of the names of candidates so as to  
519 indicate clearly the candidates for each office and the number to be elected;

520 (g) the party designation of each candidate who has been nominated by a registered  
521 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed  
522 adjacent to the candidate's name; and

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

524 display screen.

525 (2) Each election officer shall ensure that:

526 (a) proposed amendments to the Utah Constitution are displayed in accordance with  
527 Section 20A-6-107;

528 (b) ballot propositions submitted to the voters are displayed in accordance with Section  
529 20A-6-107; and

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

532 Section 7. Section 20A-9-101 is amended to read:

533 **20A-9-101. Definitions.**

534 As used in this chapter:

535 (1) (a) "Candidates for elective office" means persons who file a declaration of  
536 candidacy under Section 20A-9-202 to run in a regular general election for a federal office,  
537 constitutional office, multicounty office, or county office.

538 (b) "Candidates for elective office" does not mean candidates for:

539 (i) justice or judge of court of record or not of record;

540 (ii) presidential elector;

541 (iii) any political party offices; and

542 (iv) municipal or local district offices.

543 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
544 attorney general, state auditor, and state treasurer.

545 (3) "Continuing political party" is as defined in Section 20A-8-101.

546 (4) (a) "County office" means an elective office where the office holder is selected by  
547 voters entirely within one county.

548 (b) "County office" does not mean:

549 (i) the office of justice or judge of any court of record or not of record;

550 (ii) the office of presidential elector;

551 (iii) any political party offices;

552 (iv) any municipal or local district offices; and

553 (v) the office of United States Senator and United States Representative.

554 (5) "Federal office" means an elective office for United States Senator and United

555 States Representative.

556 (6) "Filing officer" means:

557 (a) the lieutenant governor, for:

558 (i) the office of United States Senator and United States Representative; and

559 (ii) all constitutional offices;

560 (b) the county clerk, for county offices and local school district offices, and the county  
561 clerk in the filer's county of residence, for multicounty offices;

562 (c) the city or town clerk, for municipal offices; and

563 (d) the local district clerk, for local district offices.

564 (7) "Local district office" means an elected office in a local district.

565 (8) "Local government office" includes county offices, municipal offices, and local  
566 district offices and other elective offices selected by the voters from a political division entirely  
567 within one county.

568 (9) (a) "Multicounty office" means an elective office where the office holder is selected  
569 by the voters from more than one county.

570 (b) "Multicounty office" does not mean:

571 (i) a county office;

572 (ii) a federal office;

573 (iii) the office of justice or judge of any court of record or not of record;

574 (iv) the office of presidential elector;

575 (v) any political party offices; and

576 (vi) any municipal or local district offices.

577 (10) "Municipal office" means an elective office in a municipality.

578 (11) (a) "Political division" means a geographic unit from which an office holder is  
579 elected and that an office holder represents.

580 (b) "Political division" includes a county, a city, a town, a local district, a school  
581 district, a legislative district, and a county prosecution district.

582 (12) "Qualified political party" means a registered political party that:

583 (a) permits voters who are unaffiliated with any political party to vote for the registered  
584 political party's candidates in a primary election;

585 (b) (i) permits a delegate for the registered political party to vote on a candidate

586 nomination in the registered political party's convention remotely; or

587 (ii) provides a procedure for designating an alternate delegate if a delegate is not  
588 present at the registered political party's convention;

589 (c) does not hold the registered political party's convention before April 1 of an  
590 even-numbered year;

591 (d) permits a member of the registered political party to seek the registered political  
592 party's nomination for any elective office by the member choosing to seek the nomination by  
593 either or both of the following methods:

594 (i) seeking the nomination through the registered political party's convention process,  
595 in accordance with the provisions of Section [20A-9-407](#); or

596 (ii) seeking the nomination by collecting signatures, in accordance with the provisions  
597 of Section [20A-9-408](#); and

598 (e) (i) if the registered political party is a continuing political party, no later than 5 p.m.  
599 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the  
600 election in the following year, the registered political party intends to nominate the registered  
601 political party's candidates in accordance with the provisions of [~~Sections [20A-9-407](#) and~~  
602 ~~[20A-9-408](#)~~]; Section [20A-9-406](#); or

603 (ii) if the registered political party is a not a continuing political party, certifies at the  
604 time that the registered political party files the petition described in Section [20A-8-103](#) that, for  
605 the next election, the registered political party intends to nominate the registered political  
606 party's candidates in accordance with the provisions of Section [20A-9-406](#).

607 Section 8. Section **20A-9-201** is amended to read:

608 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
609 **more than one political party prohibited with exceptions -- General filing and form**  
610 **requirements -- Affidavit of impecuniosity.**

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

612 (a) be a United States citizen;

613 (b) meet the legal requirements of that office; and

614 (c) if seeking a registered political party's nomination as a candidate for elective office,  
615 [~~designate that registered political party as their preferred party affiliation on their declaration~~  
616 ~~of candidacy.~~] state:

- 617 (i) the registered political party of which the person is a member; or  
618 (ii) that the person is not a member of a registered political party.  
619 (2) (a) Except as provided in Subsection (2)(b), ~~[a person]~~ an individual may not:  
620 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
621 Utah during any election year; ~~[or]~~  
622 (ii) appear on the ballot as the candidate of more than one political party~~[-]; or~~  
623 (iii) file a declaration of candidacy for a registered political party of which the  
624 individual is not a member, except to the extent that the registered political party permits  
625 otherwise in the registered political party's bylaws.  
626 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president  
627 or vice president of the United States and another office, if the person resigns the person's  
628 candidacy for the other office after the person is officially nominated for president or vice  
629 president of the United States.  
630 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than  
631 one justice court judge office.  
632 (iii) A person may file a declaration of candidacy for lieutenant governor even if the  
633 person filed a declaration of candidacy for another office in the same election year if the person  
634 withdraws as a candidate for the other office in accordance with Subsection [20A-9-202\(6\)](#)  
635 before filing the declaration of candidacy for lieutenant governor.  
636 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any  
637 declaration of candidacy, the filing officer shall:  
638 (A) read to the prospective candidate the constitutional and statutory qualification  
639 requirements for the office that the candidate is seeking; and  
640 (B) require the candidate to state whether or not the candidate meets those  
641 requirements.  
642 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
643 county clerk shall ensure that the person filing that declaration of candidacy is:  
644 (A) a United States citizen;  
645 (B) an attorney licensed to practice law in Utah who is an active member in good  
646 standing of the Utah State Bar;  
647 (C) a registered voter in the county in which the person is seeking office; and

648 (D) a current resident of the county in which the person is seeking office and either has  
649 been a resident of that county for at least one year or was appointed and is currently serving as  
650 county attorney and became a resident of the county within 30 days after appointment to the  
651 office.

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

655 (A) a United States citizen;

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

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

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

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

666 (A) as of the date of filing:

667 (I) is a United States citizen;

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

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

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

673 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
674 53-13-103; and

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

677 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant  
678 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of

679 Education member, the filing officer shall ensure:

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

682 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
683 provided to the lieutenant governor according to the procedures and requirements of Section  
684 20A-11-1603.

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

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

690 (i) inform the candidate that:

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

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

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

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

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

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

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

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

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

709 (A) signing the pledge is voluntary; and

710 (B) signed pledges shall be filed with the filing officer;  
 711 (v) accept the candidate's declaration of candidacy; and  
 712 (vi) if the candidate has filed for a partisan office, provide a certified copy of the  
 713 declaration of candidacy to the chair of the county or state political party of which the  
 714 candidate is a member.

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

717 (i) accept the candidate's pledge; and  
 718 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
 719 candidate's pledge to the chair of the county or state political party of which the candidate is a  
 720 member.

721 (4) (a) Except for presidential candidates, the form of the declaration of candidacy  
 722 shall:

723 (i) be substantially as follows:

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

725 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the  
 726 nomination of the \_\_\_\_\_ party[~~, which is my preferred political party affiliation~~]. I do  
 727 solemnly swear that: I will meet the qualifications to hold the office, both legally and  
 728 constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,  
 729 Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing  
 730 campaigns and elections; I will file all campaign financial disclosure reports as required  
 731 by law; and I understand that failure to do so will result in my disqualification as a  
 732 candidate for this office and removal of my name from the ballot. The mailing address  
 733 that I designate for receiving official election notices is  
 734 \_\_\_\_\_.

735 \_\_\_\_\_

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

737 \_\_\_\_\_ Notary Public (or other officer qualified to administer oath.)"; and

738 (ii) require the candidate to state, in the sworn statement described in Subsection

739 (4)(a)(i):

740 (A) the registered political party of which the candidate is a member; or



- 741 (B) that the candidate is not a member of a registered political party.
- 742 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)  
743 may not sign the form described in Subsection (4)(a).
- 744 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
745 is:
- 746 (i) \$50 for candidates for the local school district board; and  
747 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
748 person holding the office for all other federal, state, and county offices.
- 749 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
750 any candidate:
- 751 (i) who is disqualified; or  
752 (ii) who the filing officer determines has filed improperly.
- 753 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
754 from candidates.
- 755 (ii) The lieutenant governor shall:
- 756 (A) apportion to and pay to the county treasurers of the various counties all fees  
757 received for filing of nomination certificates or acceptances; and  
758 (B) ensure that each county receives that proportion of the total amount paid to the  
759 lieutenant governor from the congressional district that the total vote of that county for all  
760 candidates for representative in Congress bears to the total vote of all counties within the  
761 congressional district for all candidates for representative in Congress.
- 762 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
763 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
764 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
765 a financial statement filed at the time the affidavit is submitted.
- 766 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 767 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
768 statement filed under this section shall be subject to the criminal penalties provided under  
769 Sections [76-8-503](#) and [76-8-504](#) and any other applicable criminal provision.
- 770 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
771 considered an offense under this title for the purposes of assessing the penalties provided in

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

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

775 "Affidavit of Impecuniosity

776 Individual Name

777 \_\_\_\_\_ Address \_\_\_\_\_

778 Phone Number \_\_\_\_\_

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

782 Date \_\_\_\_\_ Signature \_\_\_\_\_

783 Affiant

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

785 \_\_\_\_\_  
786 (signature)

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

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

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

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

797 (6) (a) If there is no legislative appropriation for the Western States Presidential  
798 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for  
799 president of the United States who is affiliated with a registered political party and chooses to  
800 participate in the regular primary election shall:

801 (i) file a declaration of candidacy, in person or via a designated agent, with the  
802 lieutenant governor:

- 803 (A) on a form developed and provided by the lieutenant governor; and
- 804 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
- 805 March before the next regular primary election;
- 806 (ii) identify the registered political party whose nomination the candidate is seeking;
- 807 (iii) provide a letter from the registered political party certifying that the candidate may
- 808 participate as a candidate for that party in that party's presidential primary election; and
- 809 (iv) pay the filing fee of \$500.
- 810 (b) An agent designated to file a declaration of candidacy may not sign the form
- 811 described in Subsection (6)(a)(i)(A).
- 812 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
- 813 within the time provided in this chapter is ineligible for nomination to office.
- 814 (8) A declaration of candidacy filed under this section may not be amended or
- 815 modified after the final date established for filing a declaration of candidacy.
- 816 Section 9. Section **20A-9-202** is amended to read:
- 817 **20A-9-202. Declarations of candidacy for regular general elections.**
- 818 (1) (a) Each person seeking to become a candidate for an elective office that is to be
- 819 filled at the next regular general election shall:
- 820 (i) file a declaration of candidacy in person with the filing officer on or after January 1
- 821 of the regular general election year, and, if applicable, before the candidate circulates
- 822 nomination petitions under Section [20A-9-405](#); and
- 823 (ii) pay the filing fee.
- 824 (b) Each county clerk who receives a declaration of candidacy from a candidate for
- 825 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
- 826 candidacy to the lieutenant governor within one working day after it is filed.
- 827 (c) Each day during the filing period, each county clerk shall notify the lieutenant
- 828 governor electronically or by telephone of candidates who have filed in their office.
- 829 (d) Each person seeking the office of lieutenant governor, the office of district attorney,
- 830 or the office of president or vice president of the United States shall comply with the specific
- 831 declaration of candidacy requirements established by this section.
- 832 (2) (a) Each person intending to become a candidate for the office of district attorney
- 833 within a multicounty prosecution district that is to be filled at the next regular general election

834 shall:

835 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
836 creating the prosecution district on or after January 1 of the regular general election year, and  
837 before the candidate circulates nomination petitions under Section 20A-9-405; and

838 (ii) pay the filing fee.

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

842 (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each  
843 lieutenant governor candidate shall:

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

845 (ii) pay the filing fee; and

846 (iii) submit a letter from a candidate for governor who has received certification for the  
847 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate  
848 as a joint-ticket running mate.

849 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a  
850 lieutenant governor is disqualified, another candidate shall file to replace the disqualified  
851 candidate.

852 (4) Each registered political party shall:

853 (a) certify the names of its candidates for president and vice president of the United  
854 States to the lieutenant governor no later than August 31; or

855 (b) provide written authorization for the lieutenant governor to accept the certification  
856 of candidates for president and vice president of the United States from the national office of  
857 the registered political party.

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

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

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

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

865 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
866 problem by amending the declaration or petition within three days after the objection is  
867 sustained or by filing a new declaration within three days after the objection is sustained.

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

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

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

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

875 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement  
876 in this section to file a declaration of candidacy in person, a person may designate an agent to  
877 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

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

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

880 (ii) the person is a member of:

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

883 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
884 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
885 States; or

886 (C) the National Guard on activated status;

887 (b) the person communicates with the filing officer using an electronic device that  
888 allows the person and filing officer to see and hear each other; and

889 (c) the person provides the filing officer with an email address to which the filing  
890 officer may send the copies described in Subsection 20A-9-201(3).

891 Section 10. Section 20A-9-403 is amended to read:

892 **20A-9-403. Regular primary elections.**

893 (1) (a) Candidates for elective office that are to be filled at the next regular general  
894 election shall be nominated in a regular primary election by direct vote of the people in the  
895 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is

896 designated as regular primary election day. Nothing in this section shall affect a candidate's  
897 ability to qualify for a regular general election's ballot as an unaffiliated candidate under  
898 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under  
899 Section 20A-9-601.

900 (b) Each registered political party that chooses to have the names of its candidates for  
901 elective office featured with party affiliation on the ballot at a regular general election shall  
902 comply with the requirements of this section and shall nominate its candidates for elective  
903 office in the manner prescribed in this section.

904 (c) A filing officer may not permit an official ballot at a regular general election to be  
905 produced or used if the ballot denotes affiliation between a registered political party or any  
906 other political group and a candidate for elective office who was not nominated in the manner  
907 prescribed in this section or in Subsection 20A-9-202(4).

908 (d) Unless noted otherwise, the dates in this section refer to those that occur in each  
909 even-numbered year in which a regular general election will be held.

910 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,  
911 shall:

912 (i) either declare their intent to participate in the next regular primary election or  
913 declare that the registered political party chooses not to have the names of its candidates for  
914 elective office featured on the ballot at the next regular general election; and

915 (ii) if the registered political party participates in the upcoming regular primary  
916 election, identify one or more registered political parties whose members may vote for the  
917 registered political party's candidates and whether or not persons identified as unaffiliated with  
918 a political party may vote for the registered political party's candidates[~~; and~~].

919 [~~(iii) if the registered political party participates in the upcoming regular primary  
920 election, indicate whether it chooses to nominate unopposed candidates without their name  
921 appearing on the ballot, as described under Subsection (5)(c).]~~

922 (b) (i) A registered political party that is a continuing political party must file the  
923 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
924 November 15 of each odd-numbered year.

925 (ii) An organization that is seeking to become a registered political party under Section  
926 20A-8-103 must file the statement described in [~~Subsection (2)(b) no later than 5 p.m. on~~

927 ~~February 15]~~ Subsection (2)(a) at the time that the registered political party files the petition  
 928 described in Section 20A-8-103.

929 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a  
 930 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
 931 office on the regular primary ballot of the registered political party listed on the declaration of  
 932 candidacy only if the person is certified by the appropriate filing officer as having submitted a  
 933 set of nomination petitions that was:

934 (i) circulated and completed in accordance with Section 20A-9-405; and

935 (ii) signed by at least two percent of the registered political party's members who reside  
 936 in the political division of the office that the person seeks.

937 (b) A candidate for elective office shall submit nomination petitions to the appropriate  
 938 filing officer for verification and certification no later than 5 p.m. on the final day in March.

939 Candidates may supplement their submissions at any time on or before the filing deadline.

940 (c) The lieutenant governor shall determine for each elective office the total number of  
 941 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number  
 942 of persons residing in each elective office's political division who have designated a particular  
 943 registered political party on their voter registration forms as of November 1 of each  
 944 odd-numbered year. The lieutenant governor shall publish this determination for each elective  
 945 office no later than November 15 of each odd-numbered year.

946 (d) The filing officer shall:

947 (i) verify signatures on nomination petitions in a transparent and orderly manner;

948 (ii) for all qualifying candidates for elective office who submitted nomination petitions  
 949 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on  
 950 the first Monday after the third Saturday in April;

951 (iii) consider active and inactive voters eligible to sign nomination petitions;

952 (iv) consider a person who signs a nomination petition a member of a registered  
 953 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered  
 954 political party as ~~[their preferred party affiliation on their]~~ the person's party membership on the  
 955 person's voter registration form [prior to 5 p.m. on the final day in March]; and

956 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination  
 957 petition signatures, or use statistical sampling procedures to verify submitted nomination

958 petition signatures pursuant to rules ~~[issued by the lieutenant governor]~~ made under Subsection  
959 (3)(f).

960 (e) Notwithstanding any other provision in this Subsection (3), a candidate for  
961 lieutenant governor may appear on the regular primary ballot of a registered political party  
962 without submitting nomination petitions if the candidate files a declaration of candidacy and  
963 complies with Subsection [20A-9-202\(3\)](#).

964 ~~[(f) The lieutenant governor shall issue rules that]~~

965 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
966 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

967 (i) provide for the use of statistical sampling procedures [for] that:

968 (A) filing officers are required to use to verify signatures under Subsection (3)(d)[-  
969 The statistical sampling procedures shall]; and

970 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
971 submission, using widely recognized statistical sampling techniques[. -The lieutenant governor  
972 may also issue supplemental rules and guidance that]; and

973 (ii) provide for the transparent, orderly, and timely submission, verification, and  
974 certification of nomination petition signatures.

975 (g) The county clerk shall:

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

978 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
979 local board of education seat on the nonpartisan section of the ballot if more than two  
980 candidates have filed for the same seat; and

981 (iii) determine the order of the local board of education candidates' names on the ballot  
982 in accordance with Section [20A-6-305](#).

983 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant  
984 governor shall provide to the county clerks:

985 (i) a list of the names of all candidates for federal, constitutional, multi-county, and  
986 county offices who have received certifications under Subsection (3), along with instructions  
987 on how those names shall appear on the primary-election ballot in accordance with Section  
988 [20A-6-305](#); and



989 (ii) a list of unopposed candidates for elective office who have been nominated by a  
990 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such  
991 candidates from the primary-election ballot.

992 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
993 joint-ticket running mates shall appear jointly on the primary-election ballot.

994 (c) After the county clerk receives the certified list from the lieutenant governor under  
995 Subsection (4)(a), the county clerk shall post or publish a primary election notice in  
996 substantially the following form:

997 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
998 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan  
999 local school board positions listed on the primary ballot. The polling place for voting precinct  
1000 \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

1001 Attest: county clerk."

1002 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
1003 votes cast for each office at the regular primary election are nominated by their registered  
1004 political party for that office or are nominated as a candidate for a nonpartisan local school  
1005 board position.

1006 (b) If two or more candidates, other than presidential candidates, are to be elected to  
1007 the office at the regular general election, those party candidates equal in number to positions to  
1008 be filled who receive the highest number of votes at the regular primary election are the  
1009 nominees of their party for those positions.

1010 (c) A candidate who is unopposed for an elective office in the regular primary election  
1011 of a registered political party is nominated by the party for that office without appearing on the  
1012 primary ballot[~~, provided that the party has chosen to nominate unopposed candidates under~~  
1013 ~~Subsection (2)(a)(iii)]. A candidate is "unopposed" if no person other than the candidate has  
1014 received a certification under Subsection (3) for the regular primary election ballot of the  
1015 candidate's registered political party for a particular elective office.~~

1016 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1017 office that represents more than one county, the governor, lieutenant governor, and attorney  
1018 general shall, at a public meeting called by the governor and in the presence of the candidates  
1019 involved, select the nominee by lot cast in whatever manner the governor determines.

1020 (b) When a tie vote occurs in any primary election for any county office, the district  
1021 court judges of the district in which the county is located shall, at a public meeting called by  
1022 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1023 whatever manner the judges determine.

1024 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
1025 primary election provided for by this section, and all expenses necessarily incurred in the  
1026 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
1027 county or state, in the same manner as for the regular general elections.

1028 (8) An individual may not file a declaration of candidacy for a registered political party  
1029 of which the individual is not a member, except to the extent that the registered political party  
1030 permits otherwise under the registered political party's bylaws.

1031 Section 11. Section **20A-9-406** is amended to read:

1032 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1033 The following provisions apply to a qualified political party:

1034 (1) the qualified political party shall [~~certify to the lieutenant governor~~], no later than 5  
1035 p.m. on March 1 of each even-numbered year[~~:(a)~~], certify to the lieutenant governor the  
1036 identity of one or more registered political parties whose members may vote for the qualified  
1037 political party's candidates; [~~and~~]

1038 [~~(b) whether the qualified political party chooses to nominate unopposed candidates~~  
1039 ~~without the names of the candidates appearing on the ballot, as described in Subsection~~  
1040 ~~20A-9-403(5)(e);~~]

1041 (2) the provisions of Subsections [20A-9-403\(1\)](#) through [\(4\)\(a\)](#), Subsection  
1042 [20A-9-403\(5\)\(c\)](#), and Section [20A-9-405](#) do not apply to a nomination for the qualified  
1043 political party;

1044 (3) an individual may only [~~obtain a~~] seek the nomination [~~for~~] of the qualified  
1045 political party by using a method described in Section [20A-9-407](#), Section [20A-9-408](#), or both;

1046 (4) the qualified political party shall comply with the provisions of Sections  
1047 [20A-9-407](#), [20A-9-408](#), and [20A-9-409](#);

1048 (5) notwithstanding Subsection [20A-6-301\(1\)\(a\)](#), [\(1\)\(g\)](#), or [\(2\)\(a\)](#), each election officer  
1049 shall ensure that a ballot described in Section [20A-6-301](#) includes each person nominated by a  
1050 qualified political party [~~under Section [20A-9-407](#) or [20A-9-408](#)~~]:

- 1051 (a) under the qualified political party's name and emblem, if any; or
- 1052 (b) under the title of the qualified registered political party as designated by the
- 1053 qualified political party in the certification described in Subsection (1), or, if none is
- 1054 designated, then under some suitable title;
- 1055 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
- 1056 paper ballots in regular general elections, that each candidate who is nominated by the qualified
- 1057 political party is listed by party;
- 1058 (7) notwithstanding Subsection 20A-6-303(1)(g), each election officer shall ensure that
- 1059 the party designation of each candidate who is nominated by the qualified political party is
- 1060 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;
- 1061 (8) notwithstanding Subsection 20A-6-304(1)(g), each election officer shall ensure that
- 1062 the party designation of each candidate who is nominated by the qualified political party is
- 1063 displayed adjacent to the candidate's name on an electronic ballot;
- 1064 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
- 1065 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
- 1066 20A-9-408 to run in a regular general election for a federal office, constitutional office,
- 1067 multicounty office, or county office;
- 1068 (10) an individual who is nominated by, or seeking the nomination of, the qualified
- 1069 political party is not required to comply with Subsection 20A-9-201(1)(c);
- 1070 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
- 1071 to have each of the qualified political party's candidates for elective office appear on the
- 1072 primary ballot of the qualified political party with an indication that each candidate is a
- 1073 candidate for the qualified political party;
- 1074 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
- 1075 on the list provided by the lieutenant governor to the county clerks:
- 1076 (a) the names of all candidates of the qualified political party for federal, constitutional,
- 1077 multicounty, and county offices; and
- 1078 (b) the names of unopposed candidates for elective office who have been nominated by
- 1079 the qualified political party and instruct the county clerks to exclude such candidates from the
- 1080 primary-election ballot;
- 1081 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an

1082 elective office in the regular primary election of the qualified political party is nominated by  
1083 the party for that office without appearing on the primary ballot[~~-, provided that the party has~~  
1084 ~~chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii)]; and~~

1085 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section  
1086 20A-9-405, the qualified political party is entitled to have the names of its candidates for  
1087 elective office featured with party affiliation on the ballot at a regular general election.

1088 Section 12. Section 20A-9-407 is amended to read:

1089 **20A-9-407. Convention process to seek the nomination of a qualified political**  
1090 **party.**

1091 (1) This section describes the requirements for a member of a qualified political party  
1092 who is seeking the nomination of a qualified political party for an elective office through the  
1093 qualified political party's convention [nomination] process.

1094 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
1095 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
1096 the nomination of, the qualified political party under this section shall be substantially as  
1097 [follows:] described in Section 20A-9-408.5.

1098 ["State of Utah, County of \_\_\_\_\_]

1099 [I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
1100 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
1101 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
1102 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
1103 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
1104 as required by law; and I understand that failure to do so will result in my disqualification as a  
1105 candidate for this office and removal of my name from the ballot. The mailing address that I  
1106 designate for receiving official election notices is

1107 \_\_\_\_\_  
1108 \_\_\_\_\_.

1109 \_\_\_\_\_ Subscribed and sworn before me this \_\_\_\_\_ (month\day\year). Notary Public (or  
1110 other officer qualified to administer oath)."]

1111 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
1112 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the

1113 nomination of the qualified political party for an elective office that is to be filled at the next  
1114 general election, shall:

1115 (a) file a declaration of candidacy in person with the filing officer on or after the  
1116 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
1117 regular general election; and

1118 (b) pay the filing fee.

1119 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
1120 party who, under this section, is seeking the nomination of the qualified political party for the  
1121 office of district attorney within a multicounty prosecution district that is to be filled at the next  
1122 general election shall:

1123 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
1124 agreement creating the prosecution district on or after the second Friday in March and before 5  
1125 p.m. on the third Thursday in March before the next regular general election; and

1126 (b) pay the filing fee.

1127 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
1128 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
1129 political party, under this section, for the office of governor shall submit a letter from the  
1130 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
1131 mate.

1132 (6) (a) A qualified political party that nominates a candidate under this section shall  
1133 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday  
1134 after the third Saturday in April.

1135 [~~6~~] (b) The lieutenant governor shall ensure that the certification described in  
1136 Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified  
1137 political party under this section.

1138 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
1139 is nominated by a qualified political party under this section, designate the qualified political  
1140 party that nominated the candidate.

1141 Section 13. Section 20A-9-408 is amended to read:

1142 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
1143 **political party.**

1144 (1) This section describes the requirements for a member of a qualified political party  
1145 who is seeking the nomination of the qualified political party for an elective office through the  
1146 signature-gathering [~~nomination~~] process described in this section.

1147 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of  
1148 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
1149 the nomination of, the qualified political party under this section shall be substantially as  
1150 [~~follows:~~] described in Section 20A-9-408.5.

1151 ["State of Utah, County of \_\_\_\_  
1152 \_\_\_\_\_ I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
1153 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
1154 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
1155 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
1156 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
1157 as required by law; and I understand that failure to do so will result in my disqualification as a  
1158 candidate for this office and removal of my name from the ballot. The mailing address that I  
1159 designate for receiving official election notices is

1160 \_\_\_\_\_  
1161 \_\_\_\_\_.

1162 \_\_\_\_\_ Subscribed and sworn before me this \_\_\_\_\_ (month\day\year). Notary Public (or  
1163 other officer qualified to administer oath)."]

1164 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
1165 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
1166 nomination of the qualified political party for an elective office that is to be filled at the next  
1167 general election shall:

1168 (a) within the period beginning on January 1 before the next regular general election  
1169 and ending on the third Thursday in March of the same year, and before gathering signatures  
1170 under this section, file with the filing officer on a form approved by the lieutenant governor a  
1171 notice of intent to gather signatures for candidacy that includes:

1172 (i) the name of the member who will attempt to become a candidate for a registered  
1173 political party under this section;

1174 (ii) the name of the registered political party for which the member is seeking

1175 nomination;

1176 (iii) the office for which the member is seeking to become a candidate;

1177 (iv) the address and telephone number of the member; and

1178 (v) other information required by the lieutenant governor;

1179 (b) file a declaration of candidacy, in person, with the filing officer on or after the

1180 second Friday in March and before 5 p.m. on the third Thursday in March before the next

1181 regular general election; and

1182 (c) pay the filing fee.

1183 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political

1184 party who, under this section, is seeking the nomination of the qualified political party for the

1185 office of district attorney within a multicounty prosecution district that is to be filled at the next

1186 general election shall:

1187 (a) on or after January 1 before the next regular general election, and before gathering

1188 signatures under this section, file with the filing officer on a form approved by the lieutenant

1189 governor a notice of intent to gather signatures for candidacy that includes:

1190 (i) the name of the member who will attempt to become a candidate for a registered

1191 political party under this section;

1192 (ii) the name of the registered political party for which the member is seeking

1193 nomination;

1194 (iii) the office for which the member is seeking to become a candidate;

1195 (iv) the address and telephone number of the member; and

1196 (v) other information required by the lieutenant governor;

1197 (b) file a declaration of candidacy, in person, with the filing officer on or after the

1198 second Friday in March and before 5 p.m. on the third Thursday in March before the next

1199 regular general election; and

1200 (c) pay the filing fee.

1201 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate

1202 who files as the joint-ticket running mate of an individual who is nominated by a qualified

1203 political party, under this section, for the office of governor shall submit a letter from the

1204 candidate for governor that names the lieutenant governor candidate as a joint-ticket running

1205 mate.

1206 (6) The lieutenant governor shall ensure that the certification described in Subsection  
1207 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
1208 under this section.

1209 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
1210 is nominated by a qualified political party under this section, designate the qualified political  
1211 party that nominated the candidate.

1212 (8) A member of a qualified political party may seek the nomination of the qualified  
1213 political party for an elective office by:

1214 (a) complying with the requirements described in this section; and

1215 (b) collecting signatures, on a form approved by the lieutenant [~~governor's office~~]  
1216 governor, during the period beginning on January 1 of an even-numbered year and ending 14  
1217 days before the day on which the qualified political party's convention for the office is held, in  
1218 the following amounts:

1219 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
1220 permitted by the qualified political party to vote for the qualified political party's candidates in  
1221 a primary election;

1222 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
1223 residents of the congressional district and are permitted by the qualified political party to vote  
1224 for the qualified political party's candidates in a primary election;

1225 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
1226 residents of the state Senate district and are permitted by the qualified political party to vote for  
1227 the qualified political party's candidates in a primary election;

1228 (iv) for a state House district race, 1,000 signatures of registered voters who are  
1229 residents of the state House district and are permitted by the qualified political party to vote for  
1230 the qualified political party's candidates in a primary election; and

1231 (v) for a county office race, signatures of 3% of the registered voters who are residents  
1232 of the area permitted to vote for the county office and are permitted by the qualified political  
1233 party to vote for the qualified political party's candidates in a primary election.

1234 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
1235 for the qualified political party's nomination for an elective office under this section, the  
1236 member shall:



1237 (i) collect the signatures on a form approved by the lieutenant [~~governor's office~~]  
1238 governor, using the same circulation and verification requirements described in Sections  
1239 [~~20A-7-304 and 20A-7-305~~] 20A-7-204 and 20A-7-205; and

1240 (ii) submit the signatures to the election officer no later than 14 days before the day on  
1241 which the qualified political party holds its convention to select candidates, for the elective  
1242 office, for the qualified political party's nomination.

1243 (b) An individual may not gather signatures under this section until after the individual  
1244 files a notice of intent to gather signatures for candidacy described in this section.

1245 (c) An individual who files a notice of intent to gather signatures for candidacy,  
1246 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
1247 the notice of intent to gather signatures for candidacy:

1248 (i) required to comply with the reporting requirements that a candidate for office is  
1249 required to comply with; and

1250 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
1251 apply to a candidate for office in relation to the reporting requirements described in Subsection  
1252 (9)(c)(i).

1253 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
1254 election officer shall, no later than one day before the day on which the qualified political party  
1255 holds the convention to select a nominee for the elective office to which the signature packets  
1256 relate:

1257 (i) check the name of each individual who completes the verification for a signature  
1258 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1259 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
1260 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1261 (iii) determine whether each signer is a registered voter who is qualified to sign the  
1262 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature  
1263 on a petition;

1264 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
1265 signature packet; and

1266 (v) notify the qualified political party and the lieutenant governor of the name of each  
1267 member of the qualified political party who qualifies as a nominee of the qualified political

1268 party, under this section, for the elective office to which the convention relates.

1269 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in  
1270 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
1271 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
1272 posts a declaration of candidacy.

1273 Section 14. Section **20A-9-408.5** is enacted to read:

1274 **20A-9-408.5. Declaration of candidacy form for qualified political party.**

1275 The declaration of candidacy form described in Sections [20A-9-407](#) and [20A-9-408](#)

1276 shall:

1277 (1) be substantially as follows:

1278 "State of Utah, County of \_\_\_\_\_

1279 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
1280 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
1281 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
1282 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
1283 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
1284 as required by law; and I understand that failure to do so will result in my disqualification as a  
1285 candidate for this office and removal of my name from the ballot. The mailing address that I  
1286 designate for receiving official election notices is

1287 \_\_\_\_\_

1288 \_\_\_\_\_.

1289 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year). Notary Public (or  
1290 other officer qualified to administer oath).";

1291 (2) direct the candidate to state, in the sworn statement described in Subsection (1):

1292 (a) the registered political party of which the candidate is a member; or

1293 (b) that the candidate is not a member of a registered political party; and

1294 (3) direct the candidate to indicate whether the candidate is seeking the nomination

1295 using:

1296 (a) the convention process described in Section [20A-9-407](#);

1297 (b) the signature-gathering process described in Section [20A-9-408](#); or

1298 (c) both processes described in Subsections (3)(a) and (b).

1299 Section 15. Section **20A-9-411** is enacted to read:

1300 **20A-9-411. Signing multiple nomination petitions.**

1301 An individual who signs a petition, described in Section [20A-9-403](#) or [20A-9-408](#), to  
1302 nominate a candidate may also sign a petition to nominate another candidate for the same  
1303 office if the individual is otherwise eligible to sign the petition.

1304 Section 16. Section **20A-9-701** is amended to read:

1305 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1306 (1) No later than August 31 of each regular general election year, the lieutenant  
1307 governor shall certify to each county clerk, for offices to be voted upon at the regular general  
1308 election in that county clerk's county:

1309 (a) the names of each candidate nominated under Subsection [20A-9-202\(4\)](#) or  
1310 Subsection [20A-9-403\(5\)](#) [~~for offices to be voted upon at the regular general election in that~~  
1311 ~~county clerk's county.]; and~~

1312 (b) the names of the candidates for president and vice president that are certified by the  
1313 registered political party as the party's nominees.

1314 (2) The names shall be certified by the lieutenant governor and shall be displayed on  
1315 the ballot as they are provided on the candidate's declaration of candidacy. No other names  
1316 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered  
1317 political party, political party, or other political group.

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**Legislative Review Note**  
as of 2-17-15 8:47 AM

**Office of Legislative Research and General Counsel**