

**ELECTION MODIFICATIONS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends the Election Code by reinstating the election system in effect before passage of 2014 General Session S.B. 54, Elections Amendments.

**Highlighted Provisions:**

This bill:

- ▶ modifies dates and other provisions relating to a notice of election;
- ▶ repeals provisions relating to obtaining the nomination of a registered political party by petition;
- ▶ repeals certain limitations relating to when a ballot or ballot sheet may indicate that a candidate is associated with a particular political party;
- ▶ changes dates relating to the establishment and publication of the master ballot provisions list;
- ▶ repeals all provisions relating to a qualified political party;
- ▶ modifies provisions and dates relating to a declaration of candidacy;
- ▶ modifies provisions relating to the conduct of a primary election; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **20A-1-102**, as last amended by Laws of Utah 2015, Chapters 296, 352, and 392
- 31 **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352
- 32 **20A-1-501**, as last amended by Laws of Utah 2014, Chapter 17
- 33 **20A-3-106**, as last amended by Laws of Utah 2015, Chapter 296
- 34 **20A-5-101**, as last amended by Laws of Utah 2015, Chapter 296
- 35 **20A-6-301**, as last amended by Laws of Utah 2015, Chapter 392
- 36 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 37 **20A-6-303**, as last amended by Laws of Utah 2015, Chapter 296
- 38 **20A-6-304**, as last amended by Laws of Utah 2015, Chapter 296
- 39 **20A-6-305**, as last amended by Laws of Utah 2014, Chapter 17
- 40 **20A-9-101**, as last amended by Laws of Utah 2015, Chapter 296
- 41 **20A-9-201**, as last amended by Laws of Utah 2015, Chapter 296
- 42 **20A-9-202**, as last amended by Laws of Utah 2015, Chapter 296
- 43 **20A-9-403**, as last amended by Laws of Utah 2015, Chapter 296
- 44 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296

45 REPEALS:

- 46 **20A-1-103**, as last amended by Laws of Utah 2015, Chapter 258
- 47 **20A-9-405**, as enacted by Laws of Utah 2014, Chapter 17
- 48 **20A-9-406**, as last amended by Laws of Utah 2015, Chapter 296
- 49 **20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296
- 50 **20A-9-408**, as last amended by Laws of Utah 2015, Chapter 296
- 51 **20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296
- 52 **20A-9-409**, as enacted by Laws of Utah 2014, Chapter 17
- 53 **20A-9-410**, as enacted by Laws of Utah 2014, Chapter 17
- 54 **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296



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

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

58 **20A-1-102. Definitions.**

59 As used in this title:

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

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

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

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

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

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

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

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

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

75 (b) a constitutional amendment;

76 (c) an initiative;

77 (d) a referendum;

78 (e) a bond proposition;

79 (f) a judicial retention question;

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

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

82 (6) "Ballot sheet":

83 (a) means a ballot that:

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

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

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

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

90 (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
91 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

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

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

112 (19) "Counting poll watcher" means a person selected as provided in Section  
113 20A-3-201 to witness the counting of ballots.

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

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

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

120 (a) means the day that is specified in the calendar year as the day that the election

121 occurs; and

122 (b) does not include:

123 (i) deadlines established for absentee voting; or

124 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early

125 Voting.

126 (23) "Elected official" means:

127 (a) a person elected to an office under Section 20A-1-303;

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

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

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

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

132 (24) "Election" means a regular general election, a municipal general election, a  
133 statewide special election, a local special election, a regular primary election, a municipal  
134 primary election, and a local district election.

135 (25) "Election Assistance Commission" means the commission established by [~~Public~~  
136 ~~Law 107-252, the Help America Vote Act of 2002~~] the Help America Vote Act of 2002, Pub.  
137 L. No. 107-252.

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

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

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

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

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

144 (28) "Election officer" means:

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

146 (b) the county clerk for:

147 (i) a county ballot and election; and

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

149 20A-5-400.1 or 20A-5-400.5;

150 (c) the municipal clerk for:

151 (i) a municipal ballot and election; and

- 152 (ii) a ballot and election as a provider election officer as provided in Section
- 153 [20A-5-400.1](#) or [20A-5-400.5](#);
- 154 (d) the local district clerk or chief executive officer for:
- 155 (i) a local district ballot and election; and
- 156 (ii) a ballot and election as a provider election officer as provided in Section
- 157 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 158 (e) the business administrator or superintendent of a school district for:
- 159 (i) a school district ballot and election; and
- 160 (ii) a ballot and election as a provider election officer as provided in Section
- 161 [20A-5-400.1](#) or [20A-5-400.5](#).
- 162 (29) "Election official" means any election officer, election judge, or poll worker.
- 163 (30) "Election results" means:
- 164 (a) for an election other than a bond election, the count of votes cast in the election and
- 165 the election returns requested by the board of canvassers; or
- 166 (b) for bond elections, the count of those votes cast for and against the bond
- 167 proposition plus any or all of the election returns that the board of canvassers may request.
- 168 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 169 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 170 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 171 form, and the total votes cast form.
- 172 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 173 device or other voting device that records and stores ballot information by electronic means.
- 174 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 175 or logically associated with a record and executed or adopted by a person with the intent to sign
- 176 the record.
- 177 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 178 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 179 (35) "Inactive voter" means a registered voter who has:
- 180 (a) been sent the notice required by Section [20A-2-306](#); and
- 181 (b) failed to respond to that notice.
- 182 (36) "Inspecting poll watcher" means a person selected as provided in this title to

183 witness the receipt and safe deposit of voted and counted ballots.

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

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

187 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
188 Local Government Entities - Local Districts, and includes a special service district under Title  
189 17D, Chapter 1, Special Service District Act.

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

192 (41) "Local election" means a regular county election, a regular municipal election, a  
193 municipal primary election, a local special election, a local district election, and a bond  
194 election.

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

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

200 (44) "Municipal executive" means:

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

202 (b) the mayor in the council-manager form of government defined in Subsection  
203 10-3b-103(7); or

204 (c) the chair of a metro township form of government defined in Section 10-3b-102.

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

208 (46) "Municipal legislative body" means:

209 (a) the council of the city or town in any form of municipal government; or

210 (b) the council of a metro township.

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

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

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

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

218 (51) "Official endorsement" means:

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

220 (i) the ballot as an official ballot;

221 (ii) the date of the election; and

222 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the  
223 facsimile signature required by Subsection [20A-6-401\(1\)\(b\)\(iii\)](#); or

224 (B) for a ballot prepared by a county clerk, the words required by Subsection  
225 [20A-6-301\(1\)\(c\)\(iii\)](#); and

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

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

228 (ii) the ballot number.

229 (52) "Official register" means the official record furnished to election officials by the  
230 election officer that contains the information required by Section [20A-5-401](#).

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

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

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

236 (54) "Pilot project" means the election day voter registration pilot project created in  
237 Section [20A-4-108](#).

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

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

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

244 (58) (a) "Poll worker" means a person assigned by an election official to assist with an



245 election, voting, or counting votes.

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

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

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

250 (60) "Primary convention" means the political party conventions [~~held during the year~~  
251 ~~of~~] at which nominees for the regular [general] primary election are selected.

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

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

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

255 (62) "Provider election officer" means an election officer who enters into a contract or  
256 interlocal agreement with a contracting election officer to conduct an election for the  
257 contracting election officer's local political subdivision in accordance with Section  
258 [20A-5-400.1](#).

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

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

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

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

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

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

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

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

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

274 (69) "Regular general election" means the election held throughout the state on the first  
275 Tuesday after the first Monday in November of each even-numbered year for the purposes

276 established in Section 20A-1-201.

277 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
278 each even-numbered year, to nominate candidates of political parties and [~~candidates for~~  
279 ~~nonpartisan local school board positions~~] nonpolitical groups to advance to the regular general  
280 election.

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

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

284 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
285 punch the ballot for one or more candidates who are members of different political parties [~~or~~  
286 ~~who are unaffiliated~~].

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

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

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

292 (a) is spoiled by the voter;

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

294 (c) lacks the official endorsement.

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

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

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

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

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

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

- 307 (83) "Valid voter identification" means:
- 308 (a) a form of identification that bears the name and photograph of the voter which may
- 309 include:
- 310 (i) a currently valid Utah driver license;
- 311 (ii) a currently valid identification card that is issued by:
- 312 (A) the state; or
- 313 (B) a branch, department, or agency of the United States;
- 314 (iii) a currently valid Utah permit to carry a concealed weapon;
- 315 (iv) a currently valid United States passport; or
- 316 (v) a currently valid United States military identification card;
- 317 (b) one of the following identification cards, whether or not the card includes a
- 318 photograph of the voter:
- 319 (i) a valid tribal identification card;
- 320 (ii) a Bureau of Indian Affairs card; or
- 321 (iii) a tribal treaty card; or
- 322 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
- 323 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 324 may include:
- 325 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 326 election;
- 327 (ii) a bank or other financial account statement, or a legible copy thereof;
- 328 (iii) a certified birth certificate;
- 329 (iv) a valid Social Security card;
- 330 (v) a check issued by the state or the federal government or a legible copy thereof;
- 331 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 332 (vii) a currently valid Utah hunting or fishing license;
- 333 (viii) certified naturalization documentation;
- 334 (ix) a currently valid license issued by an authorized agency of the United States;
- 335 (x) a certified copy of court records showing the voter's adoption or name change;
- 336 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 337 (xii) a currently valid identification card issued by:

- 338 (A) a local government within the state;
- 339 (B) an employer for an employee; or
- 340 (C) a college, university, technical school, or professional school located within the
- 341 state; or
- 342 (xiii) a current Utah vehicle registration.
- 343 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 344 candidate by following the procedures and requirements of this title.
- 345 (85) "Voter" means a person who:
- 346 (a) meets the requirements for voting in an election;
- 347 (b) meets the requirements of election registration;
- 348 (c) is registered to vote; and
- 349 (d) is listed in the official register book.
- 350 (86) "Voter registration deadline" means the registration deadline provided in Section
- 351 [20A-2-102.5](#).
- 352 (87) "Voting area" means the area within six feet of the voting booths, voting
- 353 machines, and ballot box.
- 354 (88) "Voting booth" means:
- 355 (a) the space or compartment within a polling place that is provided for the preparation
- 356 of ballots, including the voting machine enclosure or curtain; or
- 357 (b) a voting device that is free standing.
- 358 (89) "Voting device" means:
- 359 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 360 piercing the ballots by the voter;
- 361 (b) a device for marking the ballots with ink or another substance;
- 362 (c) an electronic voting device or other device used to make selections and cast a ballot
- 363 electronically, or any component thereof;
- 364 (d) an automated voting system under Section [20A-5-302](#); or
- 365 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 366 by means of automatic tabulating equipment.
- 367 (90) "Voting machine" means a machine designed for the sole purpose of recording
- 368 and tabulating votes cast by voters at an election.

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

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

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

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

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

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

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

381 **20A-1-201.5. Primary election dates.**

382 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
383 of June of each even numbered year, as provided in Section [20A-9-403](#), [~~[20A-9-407](#), or~~  
384 ~~[20A-9-408](#), as applicable,~~] to nominate persons for:

385 (a) national, state, school board, and county offices; and

386 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

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

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

393 Section 3. Section **20A-1-501** is amended to read:

394 **20A-1-501. Candidate vacancies -- Procedure for filling.**

395 (1) The state central committee of a political party, for candidates for United States  
396 senator, United States representative, governor, lieutenant governor, attorney general, state  
397 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass  
398 more than one county, and the county central committee of a political party, for all other party  
399 candidates seeking an office elected at a regular general election, may certify the name of

400 another candidate to the appropriate election officer if:

401 (a) for a registered political party that will have a candidate on a ballot in a primary  
402 election, after the close of the period for filing a declaration of candidacy and continuing  
403 through the day before the day on which the lieutenant governor [~~provides the list~~] makes the  
404 certification described in Subsection 20A-9-403[(4)(a)](2)(c):

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

407 (ii) one or both:

408 (A) dies;

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

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

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

417 (i) dies;

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

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

421 or

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

423 or

424 (c) for a registered political party with a candidate certified as winning a primary  
425 election, after the deadline described in Subsection (1)(a) and continuing through the day  
426 before that day on which the lieutenant governor makes the certification described in Section  
427 20A-5-409, the party's candidate:

428 (i) dies;

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

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

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

434 (2) If no more than two candidates from a political party have filed a declaration of  
435 candidacy for an office elected at a regular general election and one resigns to become the party  
436 candidate for another position, the state central committee of that political party, for candidates  
437 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for  
438 legislative candidates whose legislative districts encompass more than one county, and the  
439 county central committee of that political party, for all other party candidates, may certify the  
440 name of another candidate to the appropriate election officer.

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

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

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

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

449 Section 4. Section **20A-3-106** is amended to read:

450 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**  
451 **of unnecessary marking of cross.**

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

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

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

457 (c) make both markings.

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

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

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

- 462 (b) To vote for candidates from two or more political parties, the voter may:
- 463 (i) mark in the squares or positions opposite the names of the candidates for whom the
- 464 voter wishes to vote without marking in any circle; or
- 465 (ii) indicate the voter's choice by:
- 466 (A) marking in the circle or position above one political party; and
- 467 (B) marking in the squares or positions opposite the names of desired candidates [~~who~~
- 468 ~~are members of any party, are unaffiliated, or are listed without party name~~].
- 469 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the
- 470 candidates [~~who are listed on the ballot as being~~] from any one registered political party may:
- 471 (i) select that party on the straight party selection area; or
- 472 (ii) select the name of each candidate from that party.
- 473 (b) To vote for candidates from two or more political parties, the voter may:
- 474 (i) select the names of the candidates for whom the voter wishes to vote without
- 475 selecting a political party in the straight party selection area; or
- 476 (ii) (A) select a political party in the straight party selection area; and
- 477 (B) select the names of the candidates for whom the voter wishes to vote [~~who are~~
- 478 ~~members of any party, are unaffiliated, or are listed without party name~~].
- 479 (4) In any election other than a primary election, if a voter voting a ballot has selected
- 480 or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote
- 481 for a person on another party ticket for an office, [~~or for an unaffiliated candidate,~~] the voter
- 482 shall select or mark the ballot next to the name of the candidate for whom the voter wishes to
- 483 vote.
- 484 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:
- 485 (i) by entering the name of a valid write-in candidate:
- 486 (A) by writing the name of a valid write-in candidate in the blank write-in section of
- 487 the ballot; or
- 488 (B) by affixing a sticker with the office and name of the valid write-in name printed on
- 489 it in the blank write-in part of the ballot; and
- 490 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's
- 491 vote.
- 492 (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person



493 whose name is written or whose sticker appears in the blank write-in part of the ballot, if a  
494 mark is made opposite that name.

495 (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on  
496 the ticket below the marked circle does not affect the validity of the vote.

497 (6) The voter may cast a write-in vote on an electronic ballot by:

498 (a) marking the appropriate position opposite the area for entering a write-in candidate  
499 for the office sought by the candidate for whom the voter wishes to vote; and

500 (b) entering the name of a valid write-in candidate in the write-in selection area.

501 Section 5. Section **20A-5-101** is amended to read:

502 **20A-5-101. Notice of election.**

503 (1) On or before [~~November 15 in the year before~~] February 1 in each regular general  
504 election year, the lieutenant governor shall prepare and transmit a written notice to each county  
505 clerk that:

506 (a) designates the offices to be filled at the [~~next year's~~] regular general election;

507 (b) identifies the dates for filing a declaration of candidacy[~~, and for submitting and~~  
508 ~~certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407,~~  
509 ~~and 20A-9-408~~] for those offices;

510 (c) includes the master ballot position list for the current year and the next year [~~and~~  
511 ~~the year following~~] as established under Section 20A-6-305; and

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

514 (2) (a) No later than [~~seven business days after the day on which the lieutenant~~  
515 ~~governor transmits the written notice described in Subsection (1)~~] February 15, each county  
516 clerk shall:

517 (i) publish a notice:

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

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

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

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

- 524 (b) The notice required by Subsection (2)(a) shall:
- 525 (i) designate the offices to be voted on in that election; and
- 526 (ii) identify the dates for filing a declaration of candidacy for those offices.
- 527 (3) Before each election, the election officer shall give written or printed notice of:
- 528 (a) the date and place of election;
- 529 (b) the hours during which the polls will be open;
- 530 (c) the polling places for each voting precinct;
- 531 (d) an election day voting center designated under Section 20A-3-703; and
- 532 (e) the qualifications for persons to vote in the election.

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

- 535 (a) in a newspaper of general circulation common to the area or in which the election is  
 536 being held; and
- 537 (b) as required in Section 45-1-101.

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

539 **20A-6-301. Paper ballots -- Regular general election.**

540 (1) Each election officer shall ensure that:

- 541 (a) all paper ballots furnished for use at the regular general election contain~~[(+)]~~ no  
 542 captions or other endorsements except as provided in this section;
- 543 ~~[(ii) no symbols, markings, or other descriptions of a political party or group, except for~~  
 544 ~~a registered political party that has chosen to nominate its candidates in accordance with~~  
 545 ~~Section 20A-9-403; and]~~
- 546 ~~[(iii) no indication that a candidate for elective office has been nominated by, or has~~  
 547 ~~been endorsed by, or is in any way affiliated with a political party or group, unless the~~  
 548 ~~candidate has been nominated by a registered political party in accordance with Subsection~~  
 549 ~~20A-9-202(4) or Subsection 20A-9-403(5).]~~

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

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

554 (iii) ballot stubs are numbered consecutively;

- 555 (c) immediately below the perforated ballot stub, the following endorsements are  
556 printed in 18 point bold type:
- 557 (i) "Official Ballot for \_\_\_\_ County, Utah";  
558 (ii) the date of the election; and  
559 (iii) the words "Clerk of \_\_\_\_\_ County";
- 560 (d) each ticket is placed in a separate column on the ballot in the order specified under  
561 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the  
562 column;
- 563 (e) the party name or title is printed in capital letters not less than one-fourth of an inch  
564 high;
- 565 (f) a circle one-half inch in diameter is printed immediately below the party name or  
566 title, and the top of the circle is placed not less than two inches below the perforated line;
- 567 (g) unaffiliated candidates[;] and candidates not affiliated with a registered political  
568 party[; ~~and all other candidates for elective office who were not nominated by a registered  
569 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);~~] are  
570 listed in one column in the order specified under Section 20A-6-305, without a party circle,  
571 with the following instructions printed at the head of the column: "All candidates not affiliated  
572 with a political party are listed below. They are to be considered with all offices and  
573 candidates listed to the left. Only one vote is allowed for each office.";
- 574 (h) the columns containing the lists of candidates, including the party name and device,  
575 are separated by heavy parallel lines;
- 576 (i) the offices to be filled are plainly printed immediately above the names of the  
577 candidates for those offices;
- 578 (j) the names of candidates are printed in capital letters, not less than one-eighth nor  
579 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between  
580 lines or rules three-eighths of an inch apart;
- 581 (k) a square with sides measuring not less than one-fourth of an inch in length is  
582 printed immediately adjacent to the name of each candidate;
- 583 (l) for the offices of president and vice president and governor and lieutenant governor,  
584 one square with sides measuring not less than one-fourth of an inch in length is printed on the  
585 same side as but opposite a double bracket enclosing the names of the two candidates;

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

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

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

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

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

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

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

608 (2) Each election officer shall ensure that:

609 (a) each person nominated by any registered political party [~~under Subsection~~  
610 ~~20A-9-202(4) or Subsection 20A-9-403(5), and no other person,~~] or group of petitioners is  
611 placed on the ballot:

612 (i) under the registered political party's name and emblem, if any; or

613 (ii) under the title of the registered political party or group as designated by them in  
614 their certificates of nomination or petition, or, if none is designated, then under some suitable  
615 title;

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

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

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

620 (d) the ballots contain no other names.

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

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

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

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

628 (d) the nonpartisan candidates are grouped according to the office for which they are  
629 candidates;

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

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

635 (4) Each election officer shall ensure that:

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

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

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

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

643 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

646 (a) each candidate is listed by party[, if nominated by a registered political party under  
647 Subsection 20A-9-202(4) or Subsection 20A-9-403(5)];

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

650 (c) the names of candidates are placed on the ballot in the order specified under Section  
651 [20A-6-305](#).

652 (2) (a) When there is only one candidate for county attorney at the regular general  
653 election in counties that have three or fewer registered voters of the county who are licensed  
654 active members in good standing of the Utah State Bar, the county clerk shall cause that  
655 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot  
656 with the following question: "Shall (name of candidate) be elected to the office of county  
657 attorney? Yes \_\_\_\_ No \_\_\_\_."

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

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

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

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

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

675 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

676 (ii) contains the signatures of registered voters in the county representing in number at  
677 least 25% of all votes cast in the county for all candidates for governor at the last election at  
678 which a governor was elected.

679 (3) (a) When there is only one candidate for district attorney at the regular general  
680 election in a prosecution district that has three or fewer registered voters of the district who are  
681 licensed active members in good standing of the Utah State Bar, the county clerk shall cause  
682 that candidate's name and party affiliation, if any, to be placed on a separate section of the  
683 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
684 attorney? Yes \_\_\_\_ No \_\_\_\_."

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

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

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

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

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

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

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

707 **20A-6-303. Regular general election -- Ballot sheets.**

708 (1) Each election officer shall ensure that:

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

710 approximately the same order as paper ballots;

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

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

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

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

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

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

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

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

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

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

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

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

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

736 (2) Each election officer shall ensure that:

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

739 (b) ballot propositions submitted to the voters are listed in accordance with Section  
740 20A-6-107; and



- 741 (c) bond propositions that have qualified for the ballot are listed under the title  
742 assigned to each bond proposition under Section 11-14-206.
- 743 Section 9. Section 20A-6-304 is amended to read:
- 744 **20A-6-304. Regular general election -- Electronic ballots.**
- 745 (1) Each election officer shall ensure that:
- 746 (a) the format and content of the electronic ballot is arranged in approximately the  
747 same order as paper ballots;
- 748 (b) the titles of offices and the names of candidates are displayed in vertical columns or  
749 in a series of separate display screens;
- 750 (c) the electronic ballot is of sufficient length to include, after the list of candidates:
- 751 (i) the names of candidates for judicial offices and any other nonpartisan offices; and  
752 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 753 (d) (i) a voting square or position is included where the voter may record a straight  
754 party ticket vote for all the candidates [~~who are listed on the ballot as being from~~] of one party  
755 by making a single selection; and
- 756 (ii) the name of each political party listed in the straight party selection area includes  
757 the word "party" at the end of the party's name;
- 758 (e) the tickets are displayed in the order specified under Section 20A-6-305;
- 759 (f) the office titles are displayed above or at the side of the names of candidates so as to  
760 indicate clearly the candidates for each office and the number to be elected;
- 761 (g) the party designation of each candidate [~~who has been nominated by a registered~~  
762 ~~political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] is displayed~~  
763 adjacent to the candidate's name; and
- 764 (h) if possible, all candidates for one office are grouped in one column or upon one  
765 display screen.
- 766 (2) Each election officer shall ensure that:
- 767 (a) proposed amendments to the Utah Constitution are displayed in accordance with  
768 Section 20A-6-107;
- 769 (b) ballot propositions submitted to the voters are displayed in accordance with Section  
770 20A-6-107; and
- 771 (c) bond propositions that have qualified for the ballot are displayed under the title

772 assigned to each bond proposition under Section [11-14-206](#).

773 Section 10. Section **20A-6-305** is amended to read:

774 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**  
775 **Publication -- Surname -- Exemptions.**

776 (1) As used in this section, "master ballot position list" means an official list of the 26  
777 characters in the alphabet listed in random order and numbered from one to 26 as provided  
778 under Subsection (2).

779 (2) The lieutenant governor shall:

780 (a) [~~by November 15 in the year before each regular general election~~] at the beginning  
781 of each general election year, conduct a random selection to establish the master ballot position  
782 list for the current year and the next year [~~and the year following~~] in accordance with  
783 procedures established under Subsection (2)(c);

784 (b) publish the master ballot position lists on the lieutenant governor's election website  
785 on or before [~~November 15 in the year before~~] February 1 in each regular general election year;  
786 and

787 (c) establish written procedures for:

788 (i) the election official to use the master ballot position list; and

789 (ii) the lieutenant governor in:

790 (A) conducting the random selection in a fair manner; and

791 (B) providing a record of the random selection process used.

792 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an  
793 election officer shall use the master ballot position list for the current year to determine the  
794 order in which to list candidates on the ballot for an election held during the year.

795 (4) To determine the order in which to list candidates on the ballot required under  
796 Subsection (3), the election officer shall apply the randomized alphabet using:

797 (a) the candidate's surname;

798 (b) for candidates with a surname that has the same spelling, the candidate's given  
799 name;

800 (c) the surname of the president and the surname of the governor for an election for the  
801 offices of president and vice president and governor and lieutenant governor; and

802 (d) if the ballot provides for a ticket or a straight party ticket, the registered political

803 party name.

804 (5) This section does not apply to:

805 (a) an election for an office for which only one candidate is listed on the ballot; or

806 (b) a judicial retention election under Section [20A-12-201](#).

807 Section 11. Section **20A-9-101** is amended to read:

808 **20A-9-101. Definitions.**

809 As used in this chapter:

810 (1) (a) "Candidates for elective office" means persons ~~[who file a declaration of~~  
811 ~~candidacy under Section [20A-9-202](#)]~~ selected by a registered political party as party candidates  
812 to run in a regular general election [for a federal office, constitutional office, multicounty  
813 office, or county office].

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

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

816 (ii) presidential elector;

817 (iii) any political party offices; and

818 (iv) municipal or local district offices.

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

821 ~~[(3) "Continuing political party" means the same as that term is defined in Section~~  
822 ~~[20A-8-101](#).]~~

823 ~~[(4)]~~ (3) (a) "County office" means an elective office where the office holder is selected  
824 by voters entirely within one county.

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

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

827 (ii) the office of presidential elector;

828 (iii) any political party offices;

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

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

831 ~~[(5)]~~ (4) "Federal office" means an elective office for United States Senator and United  
832 States Representative.

833 ~~[(6)]~~ (5) "Filing officer" means:

- 834 (a) the lieutenant governor, for:
- 835 (i) an office representing a political division that contains territory in two or more
- 836 counties;
- 837 ~~[(i)]~~ (ii) the office of United States Senator and United States Representative; and
- 838 ~~[(ii)]~~ (iii) all constitutional offices;
- 839 (b) the county clerk, for county offices and local school district offices~~[-and the county~~
- 840 ~~clerk in the filer's county of residence, for multicounty offices];~~
- 841 (c) the city or town clerk, for municipal offices; and
- 842 (d) the local district clerk, for local district offices.
- 843 ~~[(7)]~~ (6) "Local district office" means an elected office in a local district.
- 844 ~~[(8)]~~ (7) "Local government office" includes county offices, municipal offices, and
- 845 local district offices and other elective offices selected by the voters from a political division
- 846 entirely within one county.
- 847 ~~[(9)]~~ (8) (a) "Multicounty office" means an elective office where the office holder is
- 848 selected by the voters from more than one county.
- 849 (b) "Multicounty office" does not mean:
- 850 (i) a county office;
- 851 (ii) a federal office;
- 852 (iii) the office of justice or judge of any court of record or not of record;
- 853 (iv) the office of presidential elector;
- 854 (v) any political party offices; and
- 855 (vi) any municipal or local district offices.
- 856 ~~[(10)]~~ (9) "Municipal office" means an elective office in a municipality.
- 857 ~~[(11)]~~ (10) (a) "Political division" means a geographic unit from which an office holder
- 858 is elected and that an office holder represents.
- 859 (b) "Political division" includes a county, a city, a town, a local district, a school
- 860 district, a legislative district, and a county prosecution district.
- 861 ~~[(12)]~~ "Qualified political party" means a registered political party that:
- 862 ~~[(a)]~~ permits voters who are unaffiliated with any political party to vote for the
- 863 registered political party's candidates in a primary election;]
- 864 ~~[(b)]~~ (i) permits a delegate for the registered political party to vote on a candidate

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

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

868 [(c) does not hold the registered political party's convention before the fourth Saturday  
869 in March of an even-numbered year;]

870 [(d) permits a member of the registered political party to seek the registered political  
871 party's nomination for any elective office by the member choosing to seek the nomination by  
872 either or both of the following methods:]

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

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

877 [(e) (i) if the registered political party is a continuing political party, no later than 5  
878 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the  
879 election in the following year, the registered political party intends to nominate the registered  
880 political party's candidates in accordance with the provisions of Section 20A-9-406; or]

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

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

886 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
887 **more than one political party prohibited with exceptions -- General filing and form**  
888 **requirements -- Affidavit of impecuniosity.**

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

890 (a) be a United States citizen; and

891 (b) meet the legal requirements of that office[; and].

892 [(c) if seeking a registered political party's nomination as a candidate for elective  
893 office, state:]

894 [(i) the registered political party of which the person is a member; or]

895 [(ii) that the person is not a member of a registered political party.]

896 (2) (a) Except as provided in Subsection (2)(b), an individual may not:  
897 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
898 Utah during any election year;

899 (ii) appear on the ballot as the candidate of more than one political party; or  
900 (iii) file a declaration of candidacy for a registered political party of which the  
901 individual is not a member, except to the extent that the registered political party permits  
902 otherwise in the registered political party's bylaws.

903 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president  
904 or vice president of the United States and another office, if the person resigns the person's  
905 candidacy for the other office after the person is officially nominated for president or vice  
906 president of the United States.

907 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than  
908 one justice court judge office.

909 (iii) A person may file a declaration of candidacy for lieutenant governor even if the  
910 person filed a declaration of candidacy for another office in the same election year if the person  
911 withdraws as a candidate for the other office in accordance with Subsection [20A-9-202\(6\)](#)  
912 before filing the declaration of candidacy for lieutenant governor.

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

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

917 (B) require the candidate to state whether or not the candidate meets those  
918 requirements.

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

921 (A) a United States citizen;

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

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

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

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

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

932 (A) a United States citizen;

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

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

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

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

943 (A) as of the date of filing:

944 (I) is a United States citizen;

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

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

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

950 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
951 53-13-103; and

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

954 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant  
955 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
956 Education member, the filing officer shall ensure:

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

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

959 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
960 provided to the lieutenant governor according to the procedures and requirements of Section  
961 20A-11-1603.

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

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

967 (i) inform the candidate that:

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

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

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

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

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

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

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

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

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

986 (A) signing the pledge is voluntary; and

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

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



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

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

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

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

998 (4) (a) Except for presidential candidates, the form of the declaration of candidacy  
999 shall~~[-(i)]~~ be substantially as follows:

1000 "State of Utah, County of \_\_\_\_\_

1001 I, \_\_\_\_\_, declare my ~~[candidacy]~~ intention of becoming a candidate  
1002 for the office of \_\_\_\_\_, ~~[seeking the nomination of]~~ as a candidate for the \_\_\_\_\_ party. I  
1003 do solemnly swear that: I will meet the qualifications to hold the office, both legally and  
1004 constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,  
1005 Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing  
1006 campaigns and elections; I will file all campaign financial disclosure reports as required  
1007 by law; and I understand that failure to do so will result in my disqualification as a  
1008 candidate for this office and removal of my name from the ballot. The mailing address  
1009 that I designate for receiving official election notices is  
1010 \_\_\_\_\_.

1011 \_\_\_\_\_

1012 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

1013 Notary Public (or other officer qualified to administer oath[-:])."~~[-and]~~

1014 ~~[(ii) require the candidate to state, in the sworn statement described in Subsection~~

1015 ~~(4)(a)(i):]~~

1016 ~~[(A) the registered political party of which the candidate is a member; or]~~

1017 ~~[(B) that the candidate is not a member of a registered political party.]~~

1018 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202

1019 may not sign the form described in Subsection (4)(a).

1020 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
1021 is:

1022 (i) \$50 for candidates for the local school district board; and

1023 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
1024 person holding the office for all other federal, state, and county offices.

1025 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
1026 any candidate:

1027 (i) who is disqualified; or

1028 (ii) who the filing officer determines has filed improperly.

1029 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
1030 from candidates.

1031 (ii) The lieutenant governor shall:

1032 (A) apportion to and pay to the county treasurers of the various counties all fees  
1033 received for filing of nomination certificates or acceptances; and

1034 (B) ensure that each county receives that proportion of the total amount paid to the  
1035 lieutenant governor from the congressional district that the total vote of that county for all  
1036 candidates for representative in Congress bears to the total vote of all counties within the  
1037 congressional district for all candidates for representative in Congress.

1038 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
1039 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
1040 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
1041 a financial statement filed at the time the affidavit is submitted.

1042 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1043 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
1044 statement filed under this section shall be subject to the criminal penalties provided under  
1045 Sections [76-8-503](#) and [76-8-504](#) and any other applicable criminal provision.

1046 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
1047 considered an offense under this title for the purposes of assessing the penalties provided in  
1048 Subsection [20A-1-609\(2\)](#).

1049 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
1050 substantially the following form:

1051 "Affidavit of Impecuniosity

1052 Individual Name

1053 \_\_\_\_\_ Address \_\_\_\_\_

1054 Phone Number \_\_\_\_\_

1055 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
1056 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
1057 law.

1058 Date \_\_\_\_\_ Signature \_\_\_\_\_

1059 Affiant

1060 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

1061 \_\_\_\_\_  
1062 (signature)

1063 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_ "

1064 (v) The filing officer shall provide to a person who requests an affidavit of  
1065 impecuniosity a statement printed in substantially the following form, which may be included  
1066 on the affidavit of impecuniosity:

1067 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
1068 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
1069 penalties, will be removed from the ballot."

1070 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
1071 under this Subsection (5)(d) file a financial statement on a form prepared by the election  
1072 official.

1073 (6) (a) If there is no legislative appropriation for the Western States Presidential  
1074 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for  
1075 president of the United States who is affiliated with a registered political party and chooses to  
1076 participate in the regular primary election shall:

1077 (i) file a declaration of candidacy, in person or via a designated agent, with the  
1078 lieutenant governor:

1079 (A) on a form developed and provided by the lieutenant governor; and

1080 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
1081 March before the next regular primary election;

- 1082 (ii) identify the registered political party whose nomination the candidate is seeking;  
1083 (iii) provide a letter from the registered political party certifying that the candidate may  
1084 participate as a candidate for that party in that party's presidential primary election; and  
1085 (iv) pay the filing fee of \$500.

1086 (b) An agent designated to file a declaration of candidacy may not sign the form  
1087 described in Subsection (6)(a)(i)(A).

1088 (7) Any person who fails to file a declaration of candidacy or certificate of nomination  
1089 within the time provided in this chapter is ineligible for nomination to office.

1090 (8) A declaration of candidacy filed under this section may not be amended or  
1091 modified after the final date established for filing a declaration of candidacy.

1092 Section 13. Section **20A-9-202** is amended to read:

1093 **20A-9-202. Declarations of candidacy for regular general elections.**

1094 (1) (a) Each person seeking to become a candidate for ~~[an]~~ elective office for any  
1095 county office that is to be filled at the next regular general election shall:

1096 (i) file a declaration of candidacy in person with the ~~[filing officer on or after January 1~~  
1097 ~~of the regular general election year, and, if applicable, before the candidate circulates~~  
1098 ~~nomination petitions under Section 20A-9-405]~~ county clerk on or after the second Friday in  
1099 March and before 5 p.m. on the third Thursday in March before the next regular general  
1100 election; and

1101 (ii) pay the filing fee.

1102 (b) Each person intending to become a candidate for any legislative office or  
1103 multicounty office that is to be filled at the next regular general election shall:

1104 (i) file a declaration of candidacy in person with either the lieutenant governor or the  
1105 county clerk in the candidate's county of residence on or after the second Friday in March and  
1106 before 5 p.m. on the third Thursday in March before the next regular general election; and

1107 (ii) pay the filing fee.

1108 ~~[(b)]~~ (c) (i) Each county clerk who receives a declaration of candidacy from a candidate  
1109 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
1110 candidacy to the lieutenant governor within one working day after it is filed.

1111 ~~[(c)]~~ (ii) Each day during the filing period, each county clerk shall notify the lieutenant  
1112 governor electronically or by telephone of legislative candidates who have filed in their office.

1113 (d) Each person seeking to become a candidate for elective office for any federal office  
 1114 or constitutional office that is to be filled at the next regular general election shall:

1115 (i) file a declaration of candidacy in person with the lieutenant governor 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 (ii) pay the filing fee.

1119 ~~[(d)]~~ (e) Each person seeking the office of lieutenant governor, the office of district  
 1120 attorney, or the office of president or vice president of the United States shall comply with the  
 1121 specific declaration of candidacy requirements established by this section.

1122 (2) (a) Each person intending to become a candidate for the office of district attorney  
 1123 within a multicounty prosecution district that is to be filled at the next regular general election  
 1124 shall:

1125 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
 1126 creating the prosecution district on or after ~~[January 1 of the regular general election year, and~~  
 1127 ~~before the candidate circulates nomination petitions under Section 20A-9-405]~~ the second  
 1128 Friday in March and before 5 p.m. on the third Thursday in March before the next regular  
 1129 general election; and

1130 (ii) pay the filing fee.

1131 (b) The designated clerk shall provide to the county clerk of each county in the  
 1132 prosecution district a certified copy of each declaration of candidacy filed for the office of  
 1133 district attorney.

1134 (3) (a) ~~[On or before 5 p.m. on the first Monday after the third Saturday in April]~~  
 1135 Within five working days of nomination, each lieutenant governor candidate shall:

1136 (i) file a declaration of candidacy with the lieutenant governor; and

1137 (ii) pay the filing fee~~;~~ and].

1138 ~~[(iii) submit a letter from a candidate for governor who has received certification for~~  
 1139 ~~the primary-election ballot under Section 20A-9-403 that names the lieutenant governor~~  
 1140 ~~candidate as a joint-ticket running mate.]~~

1141 (b) Any candidate for lieutenant governor who fails to ~~[timely]~~ file within five working  
 1142 days is disqualified. If a lieutenant governor is disqualified, another candidate shall ~~[file]~~ be  
 1143 nominated to replace the disqualified candidate.

1144 (4) Each registered political party shall:  
1145 (a) certify the names of its candidates for president and vice president of the United  
1146 States to the lieutenant governor no later than August 31; or  
1147 (b) provide written authorization for the lieutenant governor to accept the certification  
1148 of candidates for president and vice president of the United States from the national office of  
1149 the registered political party.

1150 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
1151 objection is filed with the clerk or lieutenant governor within five days after the last day for  
1152 filing.

1153 (b) If an objection is made, the clerk or lieutenant governor shall:  
1154 (i) mail or personally deliver notice of the objection to the affected candidate  
1155 immediately; and  
1156 (ii) decide any objection within 48 hours after it is filed.

1157 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
1158 problem by amending the declaration or petition within three days after the objection is  
1159 sustained or by filing a new declaration within three days after the objection is sustained.

1160 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.  
1161 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
1162 by a district court if prompt application is made to the court.  
1163 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
1164 of its discretion, agrees to review the lower court decision.

1165 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by  
1166 filing a written affidavit with the clerk.

1167 (7) Except as provided in Subsection [20A-9-201\(4\)\(b\)](#), notwithstanding a requirement  
1168 in this section to file a declaration of candidacy in person, a person may designate an agent to  
1169 file the form described in Subsection [20A-9-201\(4\)](#) in person with the filing officer if:  
1170 (a) the person is located outside the state during the filing period because:  
1171 (i) of employment with the state or the United States; or  
1172 (ii) the person is a member of:  
1173 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
1174 Coast Guard of the United States who is on active duty;

1175 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
1176 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
1177 States; or

1178 (C) the National Guard on activated status;

1179 (b) the person communicates with the filing officer using an electronic device that  
1180 allows the person and filing officer to see and hear each other; and

1181 (c) the person provides the filing officer with an email address to which the filing  
1182 officer may send the copies described in Subsection 20A-9-201(3).

1183 Section 14. Section 20A-9-403 is amended to read:

1184 **20A-9-403. Regular primary elections.**

1185 (1) (a) [~~Candidates for elective office that are to be filled at the next regular general~~  
1186 ~~election shall be nominated in a regular primary election by direct vote of the people in the~~  
1187 ~~manner prescribed in this section.] The fourth Tuesday of June of each even-numbered year is~~  
1188 ~~designated as regular primary election day. [Nothing in this section shall affect a candidate's~~  
1189 ~~ability to qualify for a regular general election's ballot as an unaffiliated candidate under~~  
1190 ~~Section 20A-9-501 or to participate in a regular general election as a write-in candidate under~~  
1191 ~~Section 20A-9-601.]~~

1192 (b) Each registered political party that chooses to [~~have the names~~] use the primary  
1193 election process to nominate some or all of its candidates [~~for elective office featured with~~  
1194 ~~party affiliation on the ballot at a regular general election]~~ shall comply with the requirements  
1195 of this section [~~and shall nominate its candidates for elective office in the manner prescribed in~~  
1196 ~~this section].~~

1197 [~~(c) A filing officer may not permit an official ballot at a regular general election to be~~  
1198 ~~produced or used if the ballot denotes affiliation between a registered political party or any~~  
1199 ~~other political group and a candidate for elective office who was not nominated in the manner~~  
1200 ~~prescribed in this section or in Subsection 20A-9-202(4).]~~

1201 [~~(d) Unless noted otherwise, the dates in this section refer to those that occur in each~~  
1202 ~~even-numbered year in which a regular general election will be held.]~~

1203 (2) (a) [Each] As a condition for using the state's election system, each registered  
1204 political party[~~, in a statement filed with the lieutenant governor,]~~ that wishes to participate in  
1205 the primary election shall:

1206 (i) ~~[either]~~ declare their intent to participate in the ~~[next regular]~~ primary election ~~[or~~  
1207 ~~declare that the registered political party chooses not to have the names of its candidates for~~  
1208 ~~elective office featured on the ballot at the next regular general election; and];~~

1209 (ii) ~~[if the registered political party participates in the upcoming regular primary~~  
1210 ~~election;]~~ identify one or more registered political parties whose members may vote for the  
1211 registered political party's candidates and whether ~~[or not]~~ persons identified as unaffiliated  
1212 with a political party may vote for the registered political party's candidates~~[-]; and~~

1213 ~~[(b) (i) A registered political party that is a continuing political party must file the~~  
1214 ~~statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on~~  
1215 ~~November 15 of each odd-numbered year.]~~

1216 ~~[(ii) An organization that is seeking to become a registered political party under~~  
1217 ~~Section 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the~~  
1218 ~~registered political party files the petition described in Section 20A-8-103.]~~

1219 ~~[(3) (a) Except as provided in Subsection (3)(e), a person who has submitted a~~  
1220 ~~declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective~~  
1221 ~~office on the regular primary ballot of the registered political party listed on the declaration of~~  
1222 ~~candidacy only if the person is certified by the appropriate filing officer as having submitted a~~  
1223 ~~set of nomination petitions that was:]~~

1224 ~~[(i) circulated and completed in accordance with Section 20A-9-405; and]~~

1225 ~~[(ii) signed by at least two percent of the registered political party's members who~~  
1226 ~~reside in the political division of the office that the person seeks.]~~

1227 ~~[(b) A candidate for elective office shall submit nomination petitions to the appropriate~~  
1228 ~~filing officer for verification and certification no later than 5 p.m. on the final day in March.~~  
1229 ~~Candidates may supplement their submissions at any time on or before the filing deadline:]~~

1230 ~~[(c) The lieutenant governor shall determine for each elective office the total number of~~  
1231 ~~signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number~~  
1232 ~~of persons residing in each elective office's political division who have designated a particular~~  
1233 ~~registered political party on their voter registration forms as of November 1 of each~~  
1234 ~~odd-numbered year. The lieutenant governor shall publish this determination for each elective~~  
1235 ~~office no later than November 15 of each odd-numbered year.]~~

1236 ~~[(d) The filing officer shall:]~~



1237 ~~[(i) verify signatures on nomination petitions in a transparent and orderly manner;]~~  
1238 ~~[(ii) for all qualifying candidates for elective office who submitted nomination~~  
1239 ~~petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5~~  
1240 ~~p.m. on the first Monday after the third Saturday in April;]~~  
1241 ~~[(iii) consider active and inactive voters eligible to sign nomination petitions;]~~  
1242 ~~[(iv) consider a person who signs a nomination petition a member of a registered~~  
1243 ~~political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered~~  
1244 ~~political party as the person's party membership on the person's voter registration form; and]~~  
1245 ~~[(v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted~~  
1246 ~~nomination petition signatures, or use statistical sampling procedures to verify submitted~~  
1247 ~~nomination petition signatures pursuant to rules made under Subsection (3)(f).]~~  
1248 ~~[(e) Notwithstanding any other provision in this Subsection (3), a candidate for~~  
1249 ~~lieutenant governor may appear on the regular primary ballot of a registered political party~~  
1250 ~~without submitting nomination petitions if the candidate files a declaration of candidacy and~~  
1251 ~~complies with Subsection [20A-9-202\(3\)](#).]~~  
1252 ~~[(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~  
1253 ~~director of elections, within the Office of the Lieutenant Governor, shall make rules that:]~~  
1254 ~~[(i) provide for the use of statistical sampling procedures that:]~~  
1255 ~~[(A) filing officers are required to use to verify signatures under Subsection (3)(d);~~  
1256 ~~and]~~  
1257 ~~[(B) reflect a bona fide effort to determine the validity of a candidate's entire~~  
1258 ~~submission, using widely recognized statistical sampling techniques; and]~~  
1259 ~~[(ii) provide for the transparent, orderly, and timely submission, verification, and~~  
1260 ~~certification of nomination petition signatures:]~~  
1261 ~~(iii) certify the information described in this Subsection (2)(a) to the lieutenant~~  
1262 ~~governor no later than 5 p.m. on March 1 of each even-numbered year.~~  
1263 ~~(b) As a condition for using the state's election system, each registered political party~~  
1264 ~~that wishes to participate in the primary election shall:~~  
1265 ~~(i) certify the name and office of all the registered political party's candidates to the~~  
1266 ~~lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of~~  
1267 ~~each even-numbered year and indicate which of the candidates will be on the primary ballot;~~

1268 and

1269 (ii) certify the name and office of each of the registered political party's county  
1270 candidates to the county clerks by 5 p.m. on the first Monday after the third Saturday in April  
1271 of each even-numbered year and indicate which of the candidates will be on the primary ballot.

1272 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each  
1273 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the  
1274 names of all statewide candidates, multicounty candidates, or single county candidates that  
1275 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in  
1276 accordance with Section 20A-6-305.

1277 (d) Except for presidential candidates, if a registered political party does not wish to  
1278 participate in the primary election, the registered political party shall submit the names of the  
1279 registered political party's county candidates to the county clerks and the names of all of the  
1280 registered political party's candidates to the lieutenant governor by 5 p.m. on May 30 of each  
1281 even-numbered year.

1282 ~~[(g)]~~ (3) The county clerk shall:

1283 ~~[(i)]~~ (a) review the declarations of candidacy filed by candidates for local boards of  
1284 education to determine if more than two candidates have filed for the same seat;

1285 ~~[(ii)]~~ (b) place the names of all candidates who have filed a declaration of candidacy  
1286 for a local board of education seat on the nonpartisan section of the ballot if more than two  
1287 candidates have filed for the same seat; and

1288 ~~[(iii)]~~ (c) determine the order of the ~~[local board of education]~~ candidates' names on the  
1289 ballot in accordance with Section 20A-6-305.

1290 ~~[(4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the~~  
1291 ~~lieutenant governor shall provide to the county clerks:]~~

1292 ~~[(i) a list of the names of all candidates for federal, constitutional, multi-county, and~~  
1293 ~~county offices who have received certifications under Subsection (3), along with instructions~~  
1294 ~~on how those names shall appear on the primary-election ballot in accordance with Section~~  
1295 ~~20A-6-305; and]~~

1296 ~~[(ii) a list of unopposed candidates for elective office who have been nominated by a~~  
1297 ~~registered political party under Subsection (5)(c) and instruct the county clerks to exclude such~~  
1298 ~~candidates from the primary-election ballot.]~~

1299           ~~[(b) A candidate for lieutenant governor and a candidate for governor campaigning as~~  
1300 ~~joint-ticket running mates shall appear jointly on the primary election ballot.]~~

1301           ~~[(c)]~~ (4) After the county clerk receives the certified list from ~~[the lieutenant governor~~  
1302 ~~under Subsection (4)(a)]~~ a registered political party, the county clerk shall post or publish a  
1303 primary election notice in substantially the following form:

1304           "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
1305 \_\_\_\_\_(year), to nominate party candidates for the parties and ~~[candidates for]~~ nonpartisan  
1306 ~~[local school board positions]~~ offices listed on the primary ballot. The polling place for voting  
1307 precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same  
1308 day. Attest: county clerk."

1309           (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
1310 votes cast for each office at the regular primary election are nominated by their registered  
1311 political party or nonpartisan group for that office ~~[or are nominated as a candidate for a~~  
1312 ~~nonpartisan local school board position]~~.

1313           (b) If two or more candidates, other than presidential candidates, are to be elected to  
1314 the office at the regular general election, those party candidates equal in number to positions to  
1315 be filled who receive the highest number of votes at the regular primary election are the  
1316 nominees of their party for those positions.

1317           ~~[(c) A candidate who is unopposed for an elective office in the regular primary election~~  
1318 ~~of a registered political party is nominated by the party for that office without appearing on the~~  
1319 ~~primary ballot. A candidate is "unopposed" if no person other than the candidate has received a~~  
1320 ~~certification under Subsection (3) for the regular primary election ballot of the candidate's~~  
1321 ~~registered political party for a particular elective office.]~~

1322           (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1323 office that represents more than one county, the governor, lieutenant governor, and attorney  
1324 general shall, at a public meeting called by the governor and in the presence of the candidates  
1325 involved, select the nominee by lot cast in whatever manner the governor determines.

1326           (b) When a tie vote occurs in any primary election for any county office, the district  
1327 court judges of the district in which the county is located shall, at a public meeting called by  
1328 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1329 whatever manner the judges determine.

1330 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
1331 primary election provided for by this section, and all expenses necessarily incurred in the  
1332 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
1333 county or state, in the same manner as for the regular general elections.

1334 (8) An individual may not file a declaration of candidacy for a registered political party  
1335 of which the individual is not a member, except to the extent that the registered political party  
1336 permits otherwise under the registered political party's bylaws.

1337 Section 15. Section **20A-9-701** is amended to read:

1338 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1339 (1) No later than August 31 of each regular general election year, the lieutenant  
1340 governor shall certify to each county clerk~~[, for offices to be voted upon at the regular general~~  
1341 ~~election in that county clerk's county. (a)]~~ the names of each candidate ~~[nominated under~~  
1342 ~~Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and (b) the names of the], including~~  
1343 candidates for president and vice president that are certified by the registered political party as  
1344 the party's nominees for offices to be voted upon at the regular general election in that county  
1345 clerk's county.

1346 (2) The names shall be certified by the lieutenant governor and shall be displayed on  
1347 the ballot as they are provided on the candidate's declaration of candidacy. ~~[No other names~~  
1348 ~~may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered~~  
1349 ~~political party, political party, or other political group.]~~

1350 Section 16. **Repealer.**

1351 This bill repeals:

1352 Section **20A-1-103, Severability clause.**

1353 Section **20A-9-405, Nomination petitions for regular primary elections.**

1354 Section **20A-9-406, Qualified political party -- Requirements and exemptions.**

1355 Section **20A-9-407, Convention process to seek the nomination of a qualified**  
1356 **political party.**

1357 Section **20A-9-408, Signature-gathering process to seek the nomination of a**  
1358 **qualified political party.**

1359 Section **20A-9-408.5, Declaration of candidacy form for qualified political party.**

1360 Section **20A-9-409, Primary election provisions relating to qualified political party.**

1361 Section **20A-9-410**, **Rulemaking authority.**

1362 Section **20A-9-411**, **Signing multiple nomination petitions.**

1363 Section 17. **Effective date.**

1364 If approved by two-thirds of all the members elected to each house, this bill takes effect

1365 upon approval by the governor, or the day following the constitutional time limit of Utah

1366 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

1367 the date of veto override.

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**