{deleted text} shows text that was in HB0131 but was deleted in HB0131S01.

inserted text shows text that was not in HB0131 but was inserted into HB0131S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jacob L. Anderegg proposes the following substitute bill:

ELECTION MODIFICATIONS

2016 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor:	

LONG TITLE

General Description:

This bill amends <u>provisions of</u> 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} <u>clarifies certain</u>
 deadlines relating to issues submitted to voters; and
 - ► makes technical { and conforming } changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date. None

Utah Code Sections Affected:

AMENDS:

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<del>{20A-1-102}</del><u>20A-7-202.5</u>, as last amended by Laws of Utah <del>{2015}</del><u>2013</u>, <del>{Chapters</del> <del>296, 352, and 392}</del><u>Chapter 310</u>
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 $\frac{20A-1-201.5}{20a-7-308}$, as last amended by Laws of Utah $\frac{2015}{2010}$, $\frac{2010}{2010}$, $\frac{2010}{201$

20A-1-501, as last amended by Laws of Utah 2014, Chapter 17

20A-3-106, as last amended by Laws of Utah 2015, Chapter 296

20A-5-101, as last amended by Laws of Utah 2015, Chapter 296

20A-6-301, as last amended by Laws of Utah 2015, Chapter 392

20A-6-302, as last amended by Laws of Utah 2014, Chapter 17

20A-6-303, as last amended by Laws of Utah 2015, Chapter 296

20A-6-304, as last amended by Laws of Utah 2015, Chapter 296

20A-6-305, as last amended by Laws of Utah 2014, Chapter 17

20A-9-101, as last amended by Laws of Utah 2015, Chapter 296

20A-9-201, as last amended by Laws of Utah 2015, Chapter 296

20A-9-202, as last amended by Laws of Utah 2015, Chapter 296

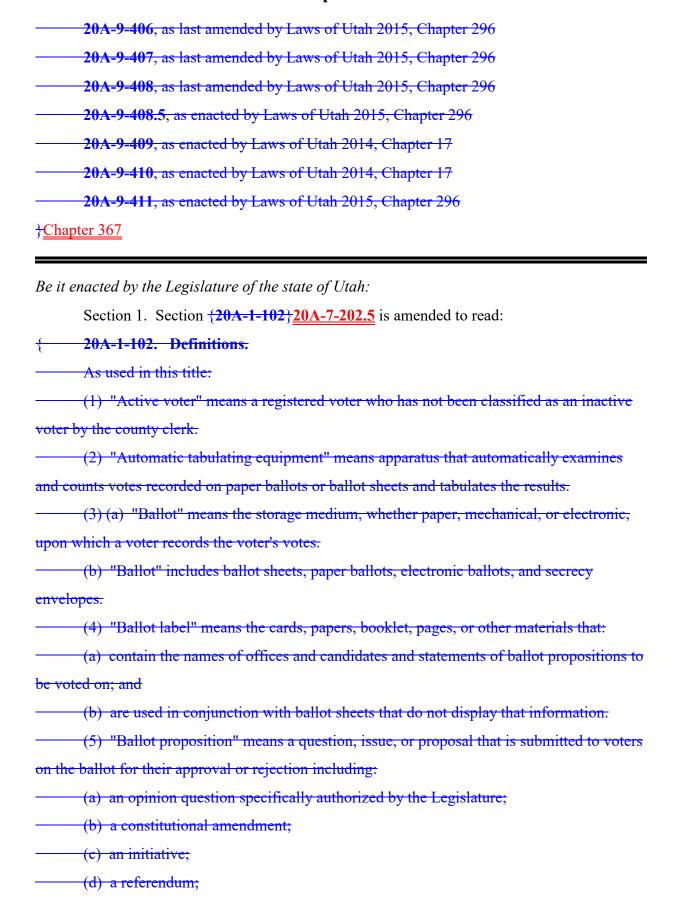
20A-9-403, as last amended by Laws of Utah 2015, Chapter 296

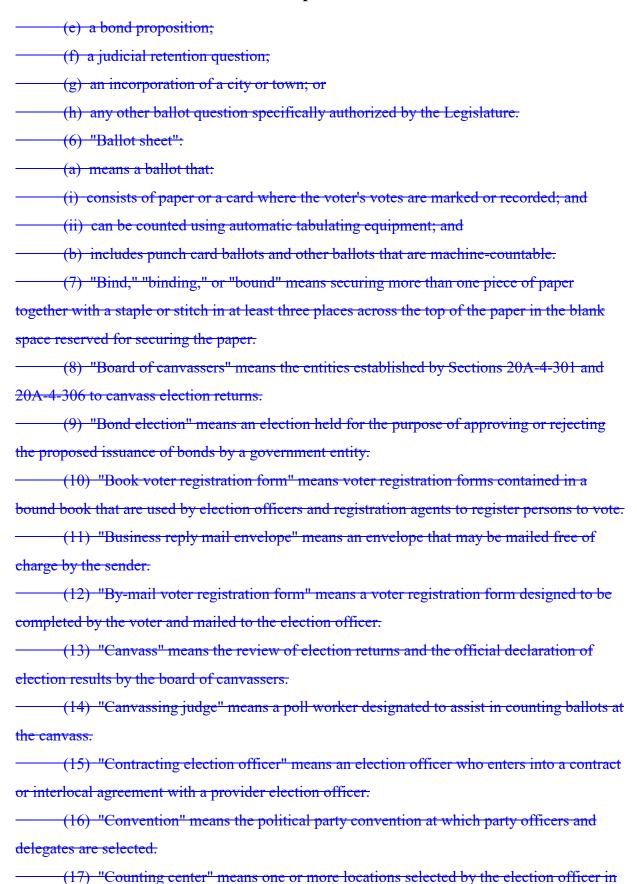
20A-9-701, as last amended by Laws of Utah 2015, Chapter 296

REPEALS:

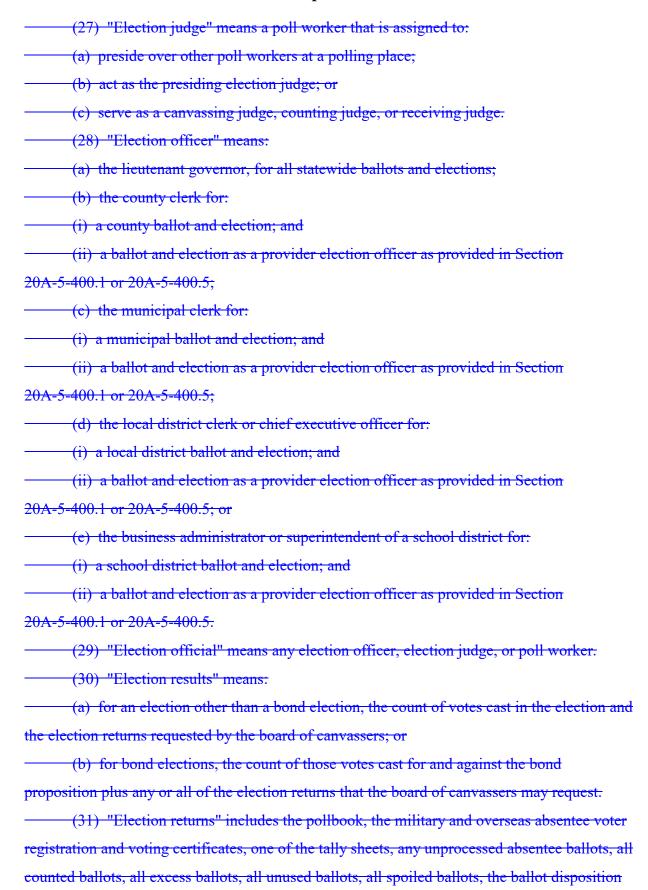
20A-1-103, as last amended by Laws of Utah 2015, Chapter 258

20A-9-405, as enacted by Laws of Utah 2014, Chapter 17

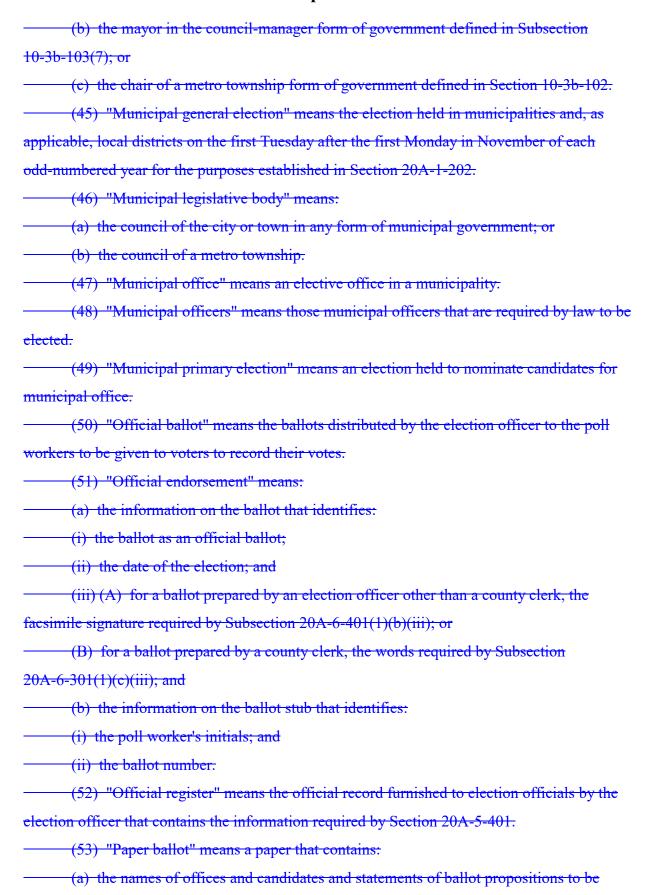


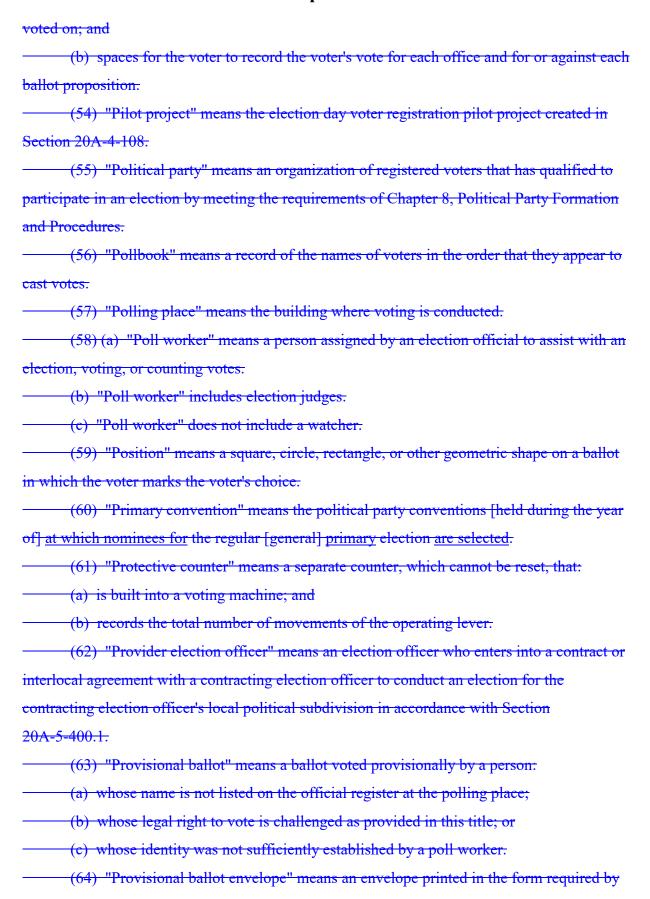


charge of the election for the automatic counting of ballots. (18) "Counting judge" means a poll worker designated to count the ballots during election day. (19) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots. (20) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the poll workers and counting judges to count ballots during election day. (21) "County officers" means those county officers that are required by law to be elected. (22) "Date of the election" or "election day" or "day of the election": (a) means the day that is specified in the calendar year as the day that the election occurs; and (b) does not include: (i) deadlines established for absentee voting; or (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early Voting. (23) "Elected official" means: (a) a person elected to an office under Section 20A-1-303; (b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or (c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii). (24) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election. (25) "Election Assistance Commission" means the commission established by [Public Law 107-252, the Help America Vote Act of 2002] the Help America Vote Act of 2002, Pub. L. No. 107-252. (26) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

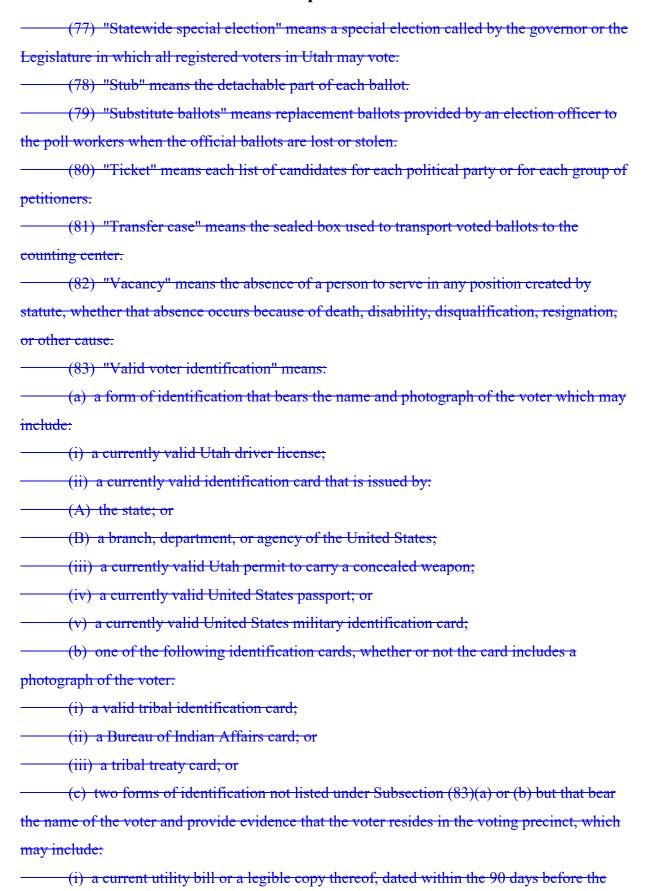


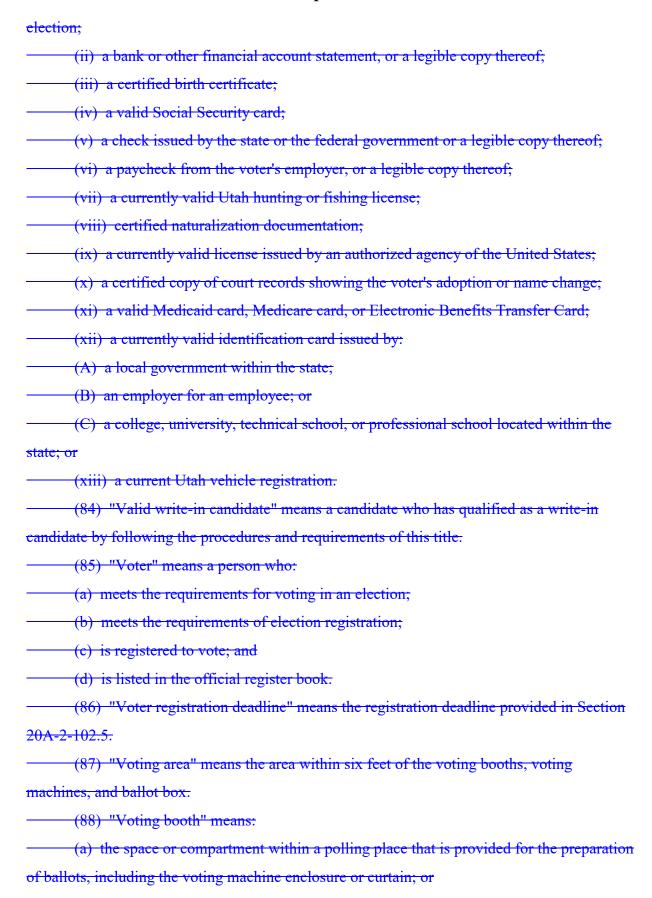
form, and the total votes cast form. (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means. (33) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. (34) (a) "Electronic voting device" means a voting device that uses electronic ballots. (b) "Electronic voting device" includes a direct recording electronic voting device. (35) "Inactive voter" means a registered voter who has: (a) been sent the notice required by Section 20A-2-306; and (b) failed to respond to that notice. (36) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots. (37) "Judicial office" means the office filled by any judicial officer. (38) "Judicial officer" means any justice or judge of a court of record or any county court judge. (39) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act. (40) "Local district officers" means those local district board members that are required by law to be elected. (41) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election. (42) "Local political subdivision" means a county, a municipality, a local district, or a local school district. (43) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote. (44) "Municipal executive" means: (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

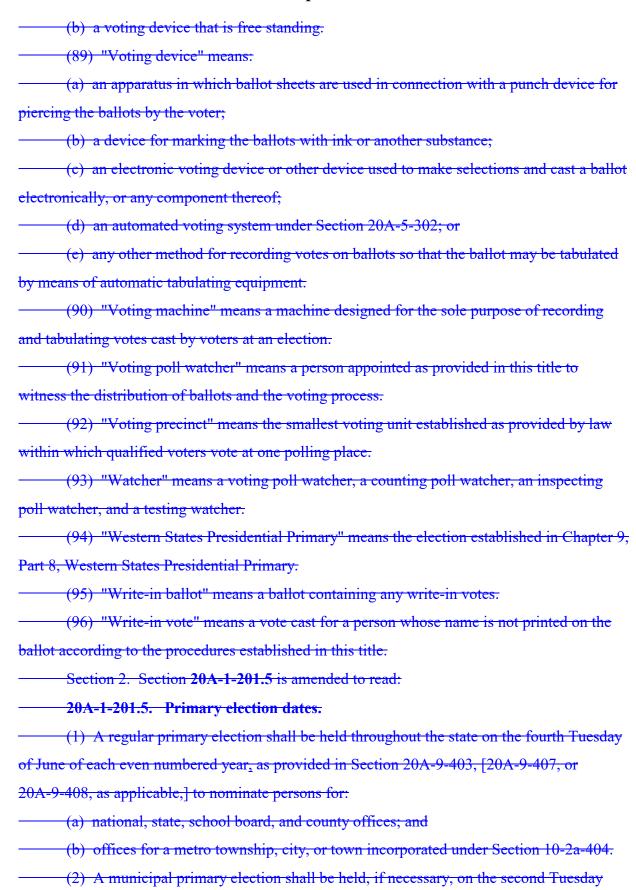




Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote. (65) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected. (66) "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted. (67) "Registration form" means a book voter registration form and a by-mail voter registration form. (68) "Regular ballot" means a ballot that is not a provisional ballot. (69) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201. (70) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and [candidates for nonpartisan local school board positions] nonpolitical groups to advance to the regular general election. (71) "Resident" means a person who resides within a specific voting precinct in Utah. (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405. (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties [or who are unaffiliated]. (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote. (75) "Special election" means an election held as authorized by Section 20A-1-203. (76) "Spoiled ballot" means each ballot that: (a) is spoiled by the voter; (b) is unable to be voted because it was spoiled by the printer or a poll worker; or (c) lacks the official endorsement.

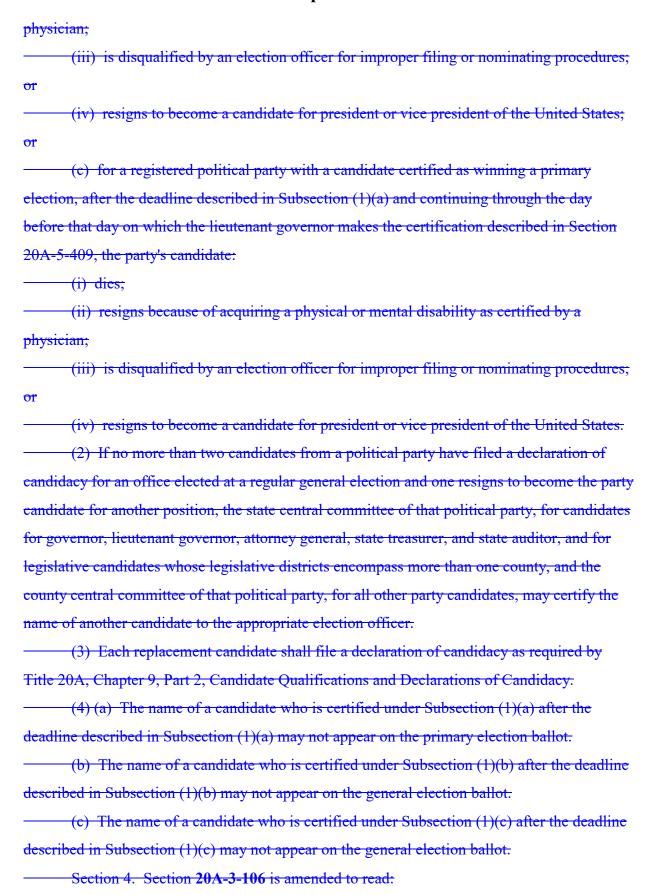


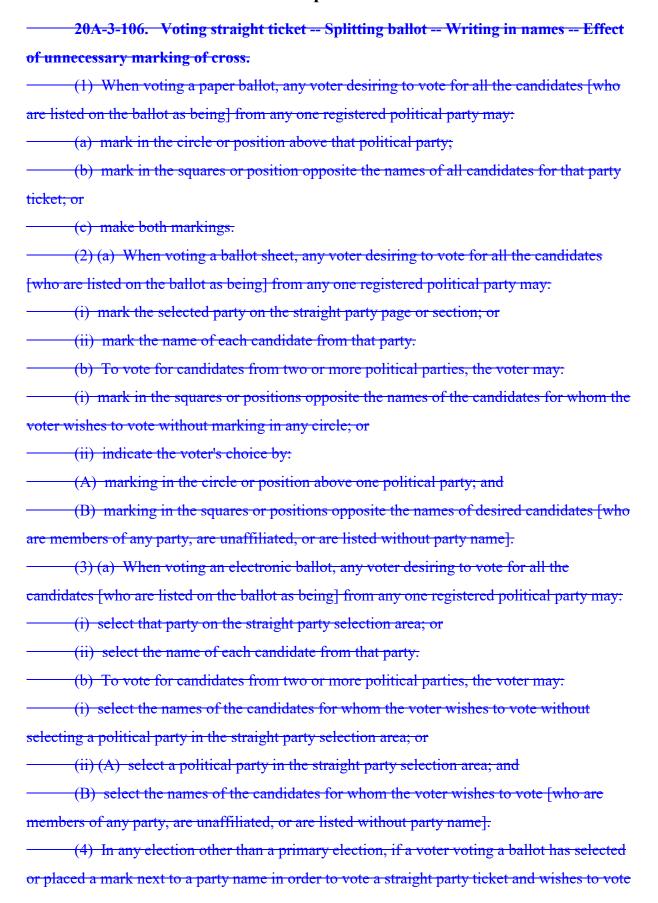




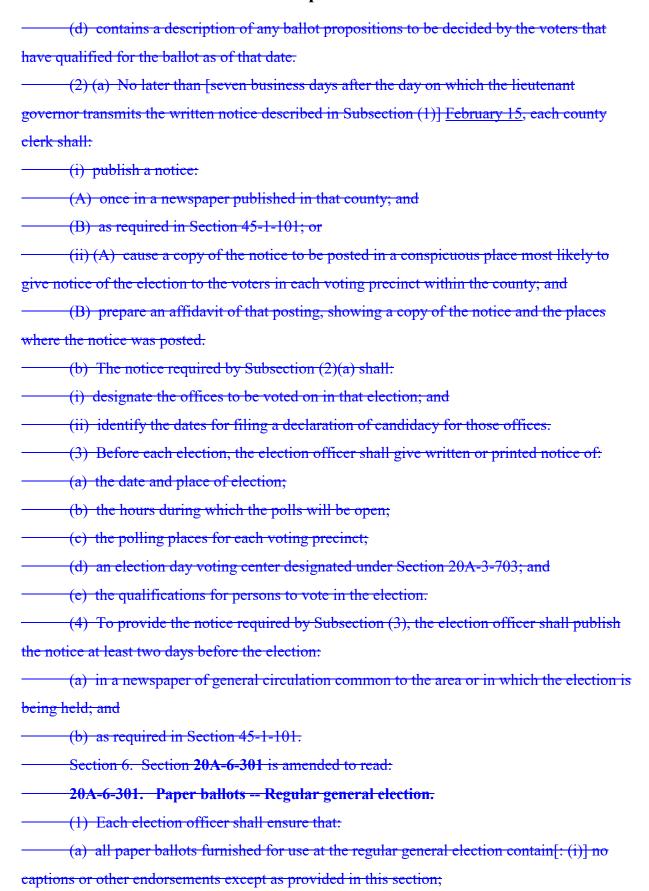
following the first Monday in August before the regular municipal election to nominate persons

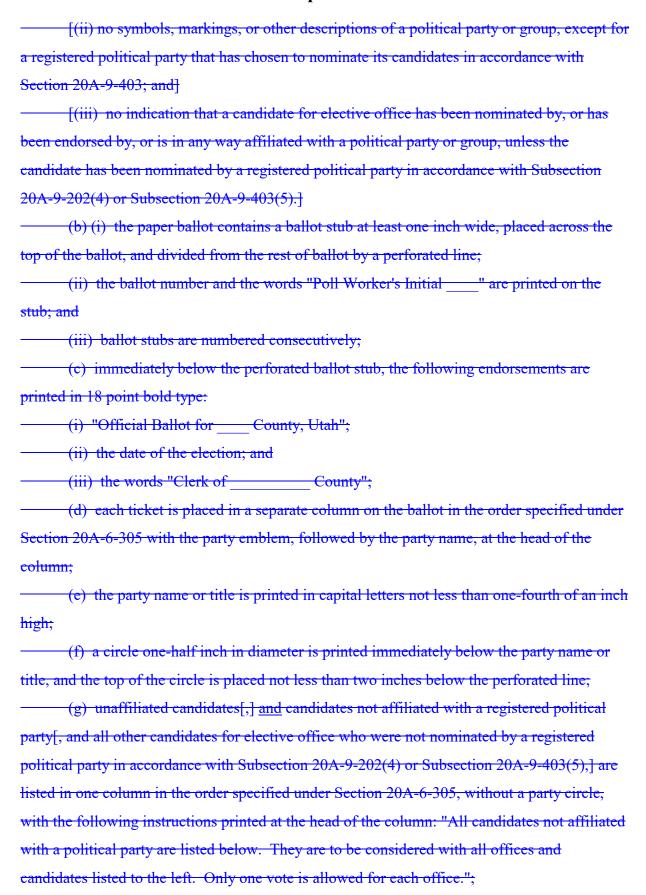
for municipal offices. (3) If the Legislature makes an appropriation for a Western States Presidential Primary election, the Western States Presidential Primary election shall be held throughout the state on the first Tuesday in February in the year in which a presidential election will be held. Section 3. Section 20A-1-501 is amended to read: 20A-1-501. Candidate vacancies -- Procedure for filling. (1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if: (a) for a registered political party that will have a candidate on a ballot in a primary election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor [provides the list] makes the certification described in Subsection 20A-9-403[(4)(a)](2)(c): (i) only one or two candidates from that party have filed a declaration of candidacy for that office; and (ii) one or both: (A) dies; (B) resigns because of acquiring a physical or mental disability, certified by a physician, that prevents the candidate from continuing the candidacy; or (C) is disqualified by an election officer for improper filing or nominating procedures; (b) for a registered political party that does not have a candidate on the ballot in a primary, but that will have a candidate on the ballot for a general election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate: (i) dies; (ii) resigns because of acquiring a physical or mental disability as certified by a





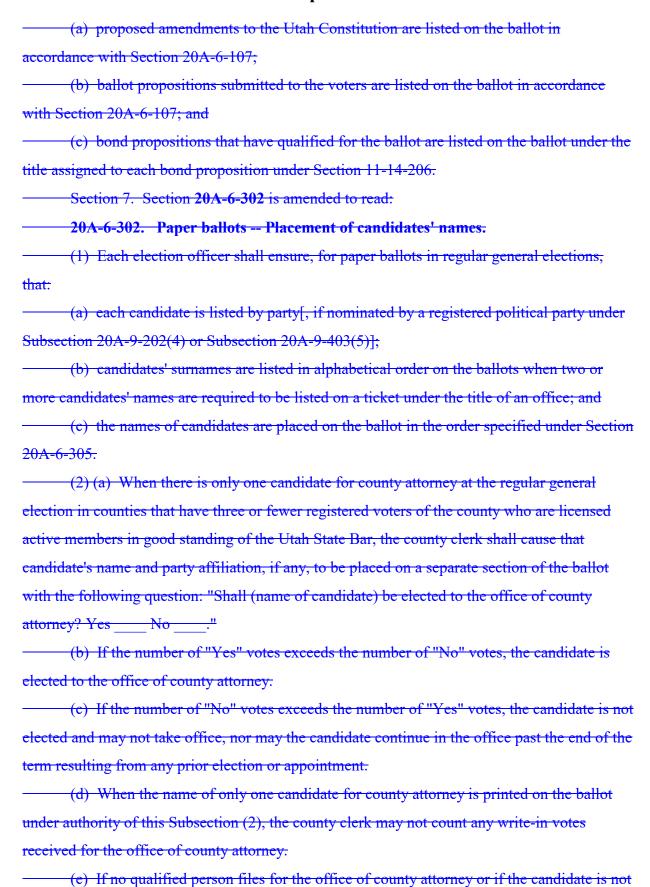
for a person on another party ticket for an office, [or for an unaffiliated candidate,] the voter shall select or mark the ballot next to the name of the candidate for whom the voter wishes to vote. (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet: (i) by entering the name of a valid write-in candidate: (A) by writing the name of a valid write-in candidate in the blank write-in section of the ballot; or (B) by affixing a sticker with the office and name of the valid write-in name printed on it in the blank write-in part of the ballot; and (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's vote. (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person whose name is written or whose sticker appears in the blank write-in part of the ballot, if a mark is made opposite that name. (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on the ticket below the marked circle does not affect the validity of the vote. (6) The voter may cast a write-in vote on an electronic ballot by: (a) marking the appropriate position opposite the area for entering a write-in candidate for the office sought by the candidate for whom the voter wishes to vote; and (b) entering the name of a valid write-in candidate in the write-in selection area. Section 5. Section 20A-5-101 is amended to read: 20A-5-101. Notice of election. (1) On or before [November 15 in the year before] February 1 in each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that: (a) designates the offices to be filled at the [next year's] regular general election; (b) identifies the dates for filing a declaration of candidacy[, and for submitting and certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408] for those offices; (c) includes the master ballot position list for the current year and the next year [and the year following] as established under Section 20A-6-305; and





(h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines; (i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices; (j) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; (k) a square with sides measuring not less than one-fourth of an inch in length is printed immediately adjacent to the name of each candidate; (1) for the offices of president and vice president and governor and lieutenant governor, one square with sides measuring not less than one-fourth of an inch in length is printed on the same side as but opposite a double bracket enclosing the names of the two candidates; (m) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons to be elected with: (i) for each office on the ballot, the office to be filled plainly printed immediately above: (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a square with sides measuring not less than one-fourth of an inch in length printed immediately adjacent to the blank horizontal line; or (B) for the offices of president and vice president and governor and lieutenant governor, two blank horizontal lines, one placed above the other, to enable the entry of two valid write-in candidates, and one square with sides measuring not less than one-fourth of an inch in length printed on the same side as but opposite a double bracket enclosing the two blank horizontal lines; and (ii) the words "Write-In Voting Column" printed at the head of the column without a one-half inch circle; (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent to the write-in ticket, or, if there is no write-in ticket, immediately adjacent to the unaffiliated ticket, with the word "NONPARTISAN" in reverse type in an 18 point solid rule running

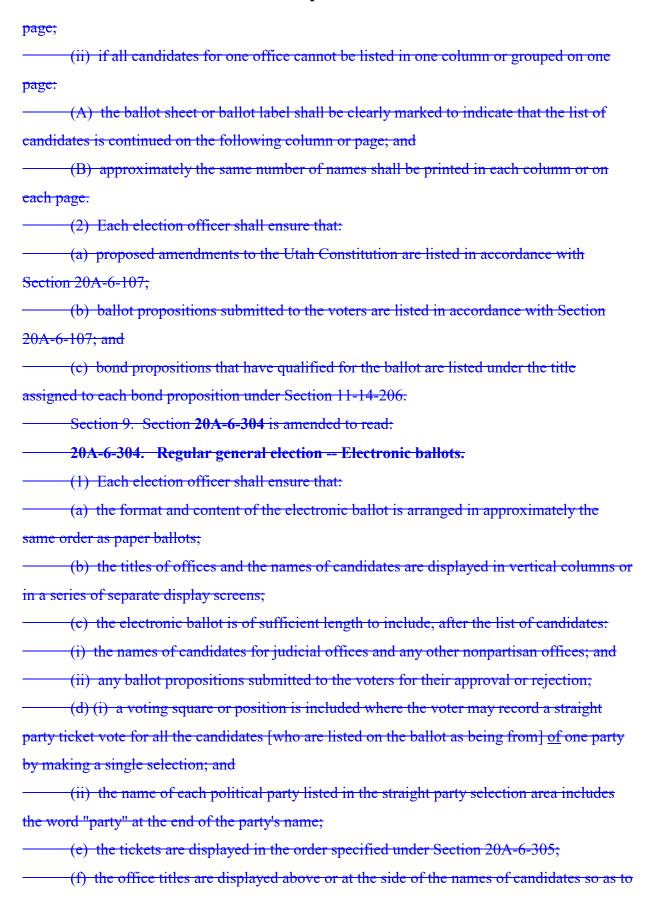
vertically the full length of the nonpartisan ballot copy; and (o) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates. (2) Each election officer shall ensure that: (a) each person nominated by any registered political party [under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, or group of petitioners is placed on the ballot: (i) under the registered political party's name and emblem, if any; or (ii) under the title of the registered political party or group as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title; (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot; (c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and (d) the ballots contain no other names. (3) When the ballot contains a nonpartisan section, the election officer shall ensure that: (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point; (b) the words designating the office are printed flush with the left-hand margin; (c) the words, "Vote for one" or "Vote for up to (the number of candidates for which the voter may vote)" extend to the extreme right of the column; (d) the nonpartisan candidates are grouped according to the office for which they are candidates; (e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and (f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to (the number of candidates for which the voter may vote)," according to the number to be elected. (4) Each election officer shall ensure that:



elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2. (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that: (i) requests the procedure set forth in Subsection (2)(a) to be followed; and (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected. (3) (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes No ." (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney. (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

- (d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.
- (e) If no qualified person files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.
- (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the

two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that: (i) requests the procedure set forth in Subsection (3)(a) to be followed; and (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected. Section 8. Section 20A-6-303 is amended to read: 20A-6-303. Regular general election -- Ballot sheets. (1) Each election officer shall ensure that: (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in approximately the same order as paper ballots; (b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages; (c) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list of candidates: (i) the names of candidates for judicial offices and any other nonpartisan offices; and (ii) any ballot propositions submitted to the voters for their approval or rejection; (d) (i) a voting square or position is included where the voter may record a straight party ticket vote for all the candidates [who are listed on the ballot as being from] of one party by one mark or punch; and (ii) the name of each political party listed in the straight party selection area includes the word "party" at the end of the party's name; (e) the tickets are printed in the order specified under Section 20A-6-305; (f) the office titles are printed immediately adjacent to the names of candidates so as to indicate clearly the candidates for each office and the number to be elected; (g) the party designation of each candidate [who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] is printed immediately adjacent to the candidate's name; and (h) (i) if possible, all candidates for one office are grouped in one column or upon one



indicate clearly the candidates for each office and the number to be elected; (g) the party designation of each candidate [who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] is displayed adjacent to the candidate's name; and (h) if possible, all candidates for one office are grouped in one column or upon one display screen. (2) Each election officer shall ensure that: (a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107; (b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107; and (c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206. Section 10. Section 20A-6-305 is amended to read: 20A-6-305. Master ballot position list -- Random selection -- Procedures --**Publication -- Surname -- Exemptions.** (1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2). (2) The lieutenant governor shall: (a) [by November 15 in the year before each regular general election] at the beginning of each general election year, conduct a random selection to establish the master ballot position list for the current year and the next year [and the year following] in accordance with procedures established under Subsection (2)(c); (b) publish the master ballot position lists on the lieutenant governor's election website on or before [November 15 in the year before] February 1 in each regular general election year; and (c) establish written procedures for: (i) the election official to use the master ballot position list; and (ii) the lieutenant governor in: (A) conducting the random selection in a fair manner; and

- (B) providing a record of the random selection process used. (3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year. (4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using: (a) the candidate's surname; (b) for candidates with a surname that has the same spelling, the candidate's given name; (c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor; and (d) if the ballot provides for a ticket or a straight party ticket, the registered political party name. (5) This section does not apply to: (a) an election for an office for which only one candidate is listed on the ballot; or (b) a judicial retention election under Section 20A-12-201. 20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge
- **20A-7-202.5.** Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.
- (1) Within three working days of receipt of an application for an initiative petition, the lieutenant governor shall submit a copy of the application to the Governor's Office of Management and Budget.
- (2) (a) The Governor's Office of Management and Budget shall prepare an unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that contains:
 - (i) a dollar amount representing the total estimated fiscal impact of the proposed law;
- (ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;
- (iii) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

- (iv) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;
- (v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities under the proposed law; and
- (vi) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.
- (b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Governor's Office of Management and Budget estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The Governor's Office of Manageme	ent and Budget estin	mates that the law proposed by
this initiative would result in a total fiscal ex	pense/savings of \$_	, which includes a (type
of tax or taxes) tax increase/decrease of \$	and a \$	increase/decrease in state
debt."		

- (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the Governor's Office of Management and Budget may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.
- (3) The Governor's Office of Management and Budget shall prepare an unbiased, good faith estimate of the cost of printing and distributing information related to the initiative petition in:
- (a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter Information Pamphlet; or
 - (b) the newspaper, as required by Section 20A-7-702.
 - (4) Within 25 calendar days [from the date that] after the day on which the lieutenant

governor delivers a copy of the application, the Governor's Office of Management and Budget shall:

- (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's office; and
- (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in the initiative application.
- (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days [of the date of delivery of] after the day on which the Governor's Office of Management and Budget delivers the initial fiscal impact estimate to the lieutenant governor's office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.
- (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the petition to:
- (A) any person or group that has filed an argument with the lieutenant governor's office for or against the measure that is the subject of the challenge; and
- (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.
- (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the Governor's Office of Management and Budget is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.
- (ii) The Supreme Court may not revise the contents of, or direct the revision of, the initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.
- (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate to a master to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule 53.
 - (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate

for the measure that meets the requirements of this section.

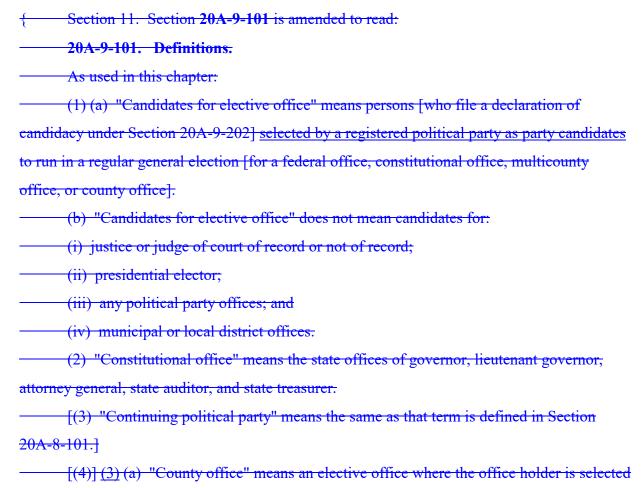
Section 2. Section **20a-7-308** is amended to read:

20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

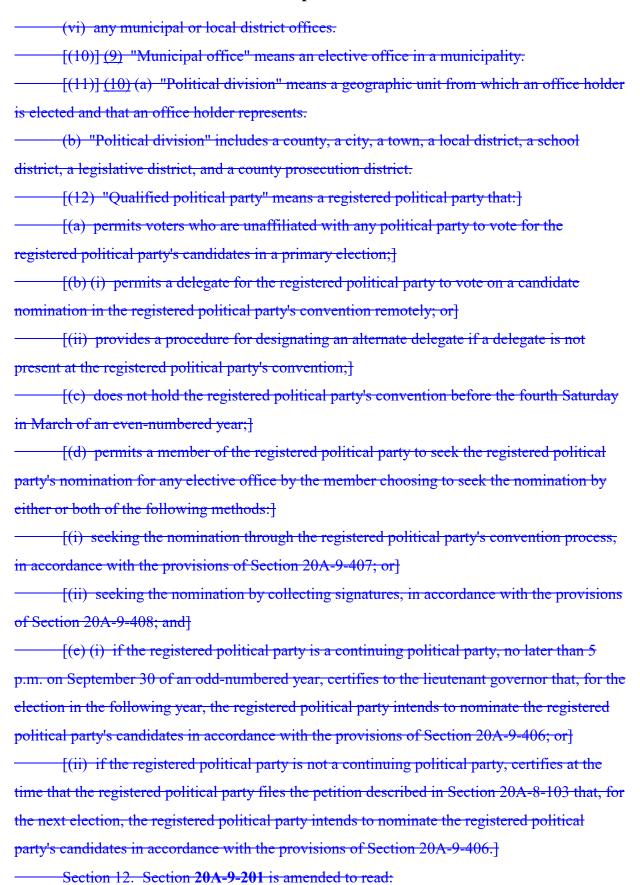
- (1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.
 - (2) (a) The Office of Legislative Research and General Counsel shall:
- (i) entitle each state referendum that has qualified for the ballot "Proposition Number" and give it a number as assigned under Section 20A-6-107;
- (ii) prepare an impartial ballot title for the referendum summarizing the contents of the measure; and
- (iii) return the petition and the ballot title to the lieutenant governor within 15 days after its receipt.
- (b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall be not more than 100 words.
- (c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.
- (3) Immediately after the Office of Legislative Research and General Counsel files a copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of the ballot title to any of the sponsors of the petition.
- (4) (a) (i) At least three of the sponsors of the petition may, within 15 days [of the date] after the day on which the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.
- (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the appeal to:
- (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or
- (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or

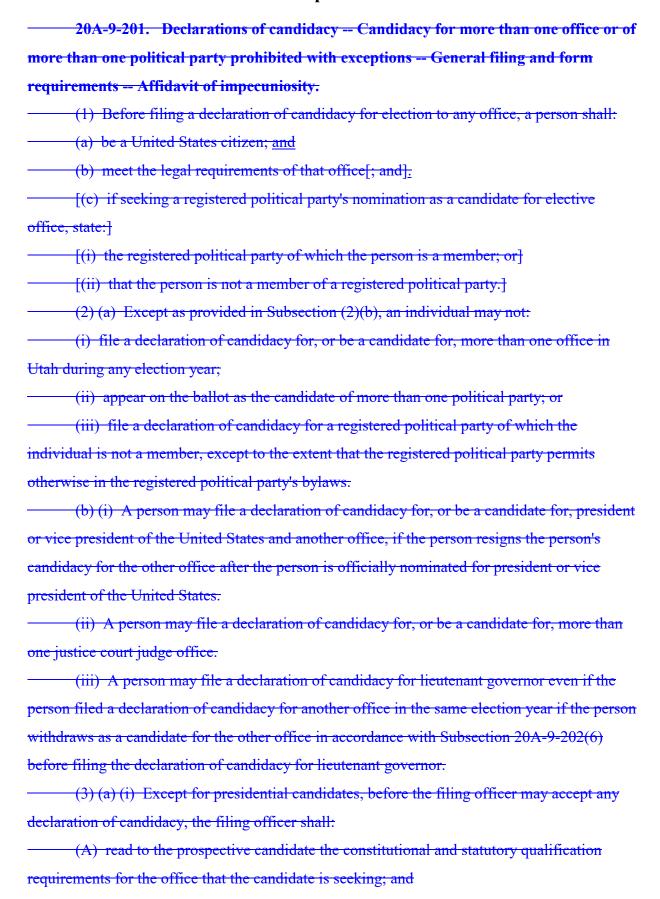
email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

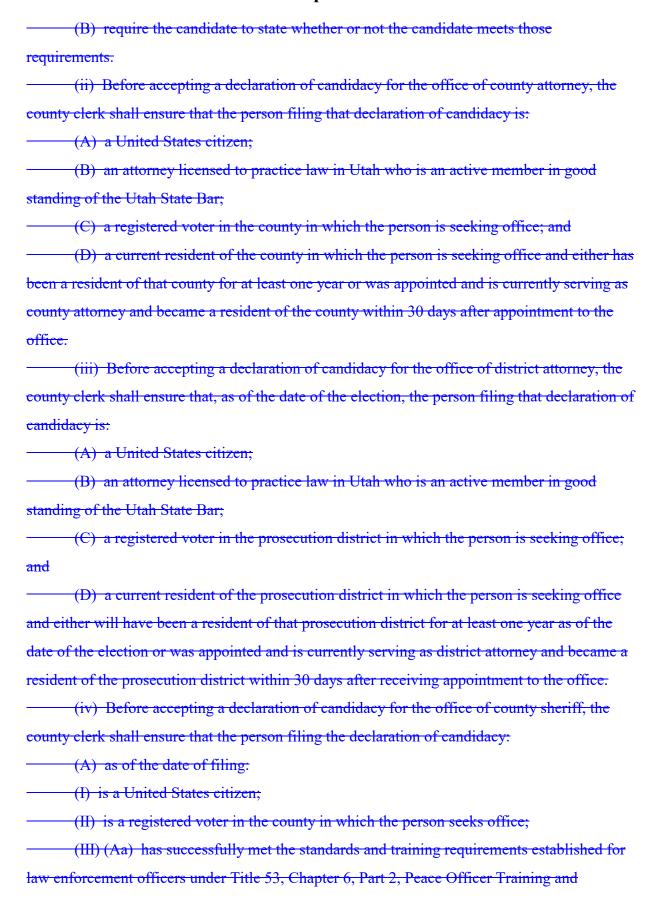
- (b) (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the referendum.
- (ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.
 - (c) The Supreme Court shall:
 - (i) examine the ballot title;
 - (ii) hear arguments; and
- (iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.
- (d) The lieutenant governor shall certify the title verified by the Supreme Court to the county clerks to be printed on the official ballot.

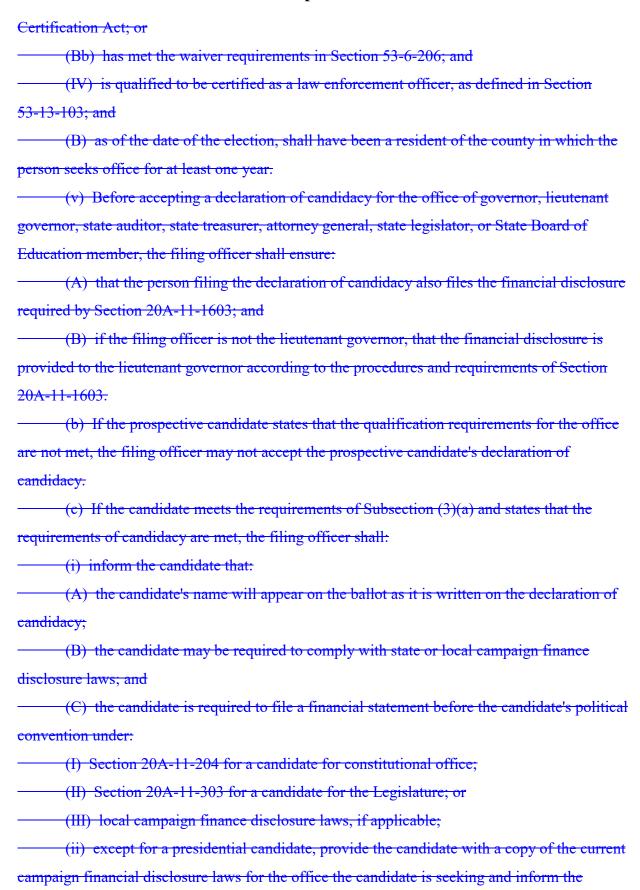


by voters entirely within one county.
(b) "County office" does not mean:
(i) the office of justice or judge of any court of record or not of record;
(ii) the office of presidential elector;
(iii) any political party offices;
(iv) any municipal or local district offices; and
(v) the office of United States Senator and United States Representative.
[(5)] (4) "Federal office" means an elective office for United States Senator and United
States Representative.
[(6)] (5) "Filing officer" means:
(a) the lieutenant governor, for:
(i) an office representing a political division that contains territory in two or more
counties;
[(i)] (ii) the office of United States Senator and United States Representative; and
[(ii)] (iii) all constitutional offices;
(b) the county clerk, for county offices and local school district offices[, and the county
clerk in the filer's county of residence, for multicounty offices];
(c) the city or town clerk, for municipal offices; and
(d) the local district clerk, for local district offices.
[(7)] (6) "Local district office" means an elected office in a local district.
[(8)] (7) "Local government office" includes county offices, municipal offices, and
local district offices and other elective offices selected by the voters from a political division
entirely within one county.
[(9)] (8) (a) "Multicounty office" means an elective office where the office holder is
selected by the voters from more than one county.
(b) "Multicounty office" does not mean:
(i) a county office;
(ii) a federal office;
(iii) the office of justice or judge of any court of record or not of record;
(iv) the office of presidential elector;
(v) any political party offices; and

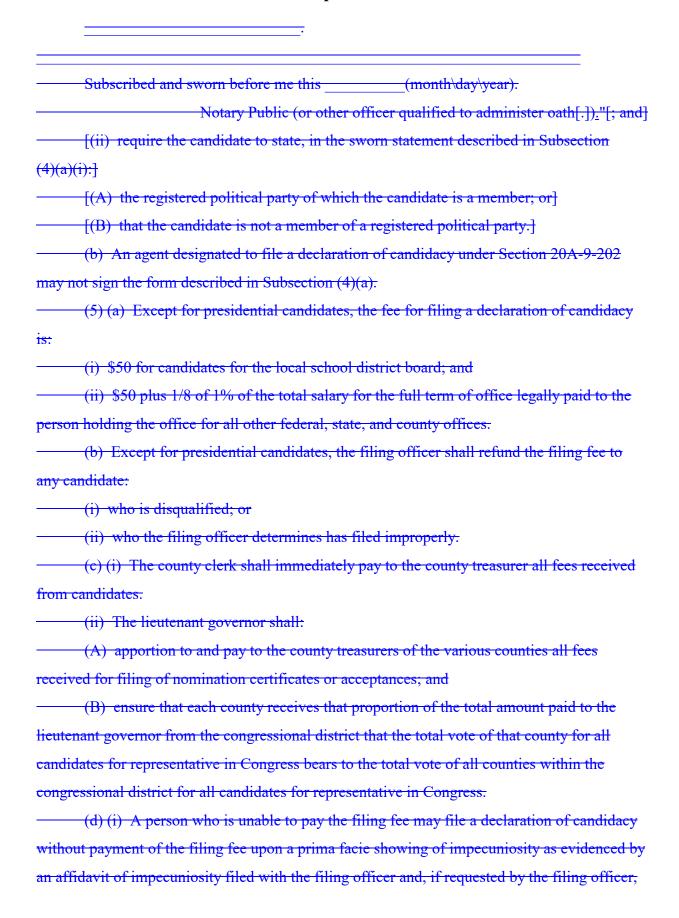








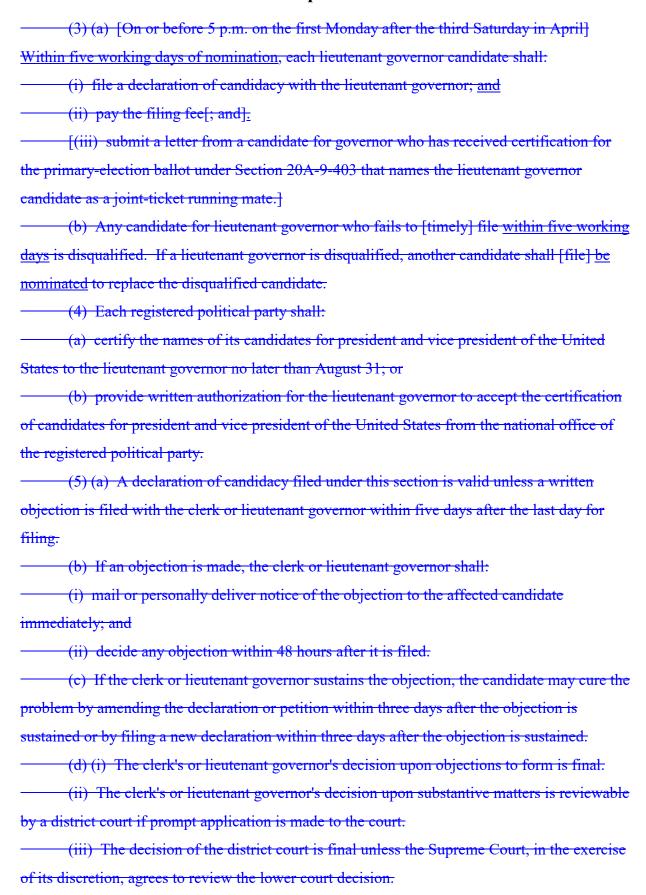
candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot; (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a); (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that: (A) signing the pledge is voluntary; and (B) signed pledges shall be filed with the filing officer; (v) accept the candidate's declaration of candidacy; and (vi) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member. (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall: (i) accept the candidate's pledge; and (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member. (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall[: (i)] be substantially as follows: "State of Utah, County of I, , declare my [candidacy] intention of becoming a candidate for the office of , [seeking the nomination of] as a candidate for the party. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at in the City or Town of Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is

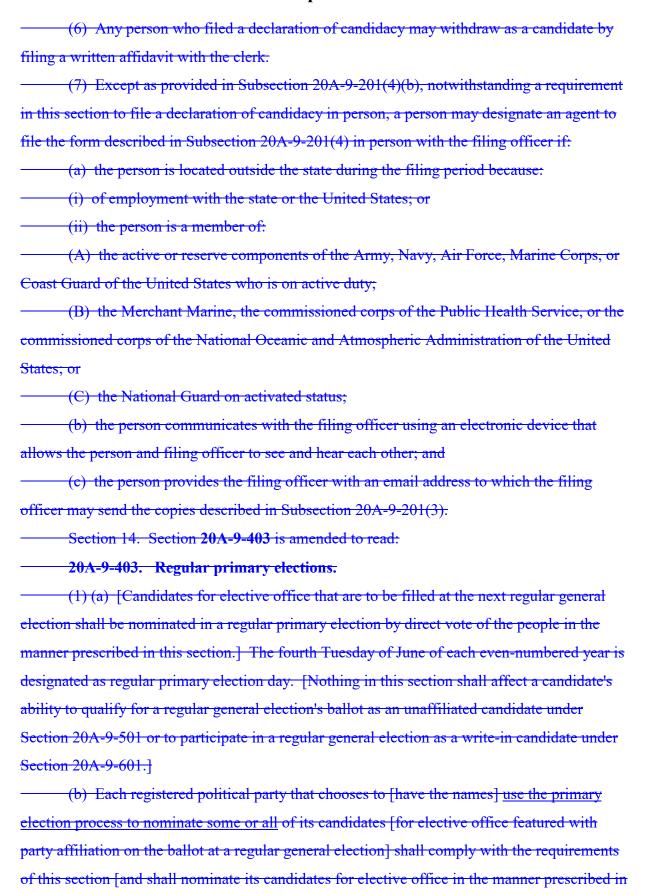


a imancial statement fried at the time the arridavit is submitted.
(ii) A person who is able to pay the filing fee may not claim impecuniosity.
(iii) (A) False statements made on an affidavit of impecuniosity or a financial
statement filed under this section shall be subject to the criminal penalties provided under
Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
(B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be
considered an offense under this title for the purposes of assessing the penalties provided in
Subsection 20A-1-609(2).
(iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
substantially the following form:
"Affidavit of Impecuniosity
Individual Name
Address
Phone Number
I,(name), do solemnly [swear] [affirm], under penalty of law
for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
law.
DateSignature
Affiant
Subscribed and sworn to before me on (month\day\year)
Name and Title of Officer Authorized to Administer Oath
(v) The filing officer shall provide to a person who requests an affidavit of
impecuniosity a statement printed in substantially the following form, which may be included
on the affidavit of impecuniosity:
"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609,
candidate who is found guilty of filing a false statement, in addition to being subject to crimina
penalties, will be removed from the ballot."
(vi) The filing officer may request that a person who makes a claim of impecuniosity
under this Subsection (5)(d) file a financial statement on a form prepared by the election

official. (6) (a) If there is no legislative appropriation for the Western States Presidential Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall: (i) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor: (A) on a form developed and provided by the lieutenant governor; and (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular primary election; (ii) identify the registered political party whose nomination the candidate is seeking; (iii) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and (iv) pay the filing fee of \$500. (b) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (6)(a)(i)(A). (7) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office. (8) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy. Section 13. Section 20A-9-202 is amended to read: 20A-9-202. Declarations of candidacy for regular general elections. (1) (a) Each person seeking to become a candidate for [an] elective office for any county office that is to be filled at the next regular general election shall: (i) file a declaration of candidacy in person with the [filing officer on or after January 1 of the regular general election year, and, if applicable, before the candidate circulates nomination petitions under Section 20A-9-405] county clerk on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and (ii) pay the filing fee. (b) Each person intending to become a candidate for any legislative office or

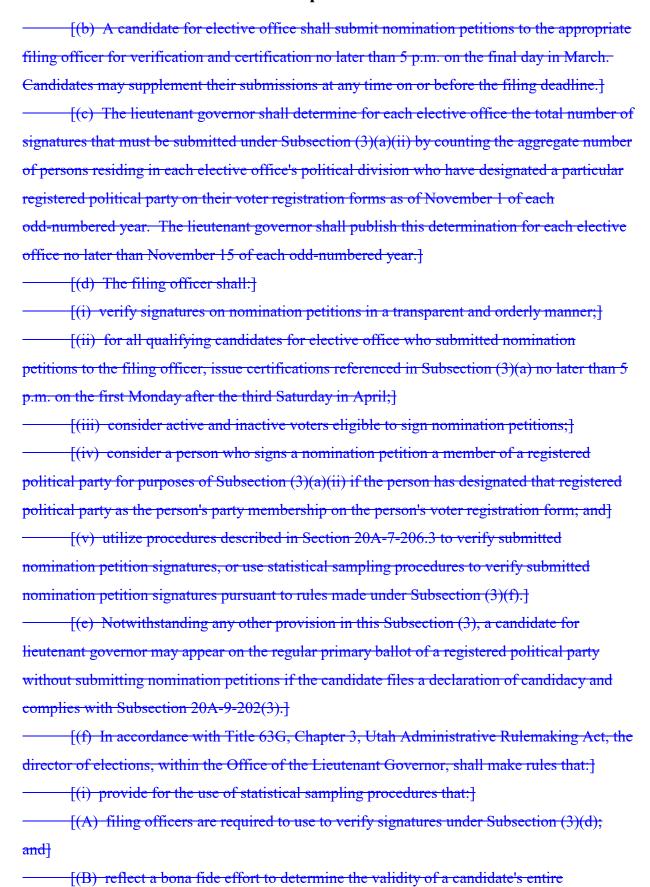
multicounty office that is to be filled at the next regular general election shall: (i) file a declaration of candidacy in person with either the lieutenant governor or the county clerk in the candidate's county of residence on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and (ii) pay the filing fee. [(b)] (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed. [(c)] (ii) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of legislative candidates who have filed in their office. (d) Each person seeking to become a candidate for elective office for any federal office or constitutional office that is to be filled at the next regular general election shall: (i) file a declaration of candidacy in person with the lieutenant governor on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and (ii) pay the filing fee. [(d)] (e) Each person seeking the office of lieutenant governor, the office of district attorney, or the office of president or vice president of the United States shall comply with the specific declaration of candidacy requirements established by this section. (2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall: (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after [January 1 of the regular general election year, and before the candidate circulates nomination petitions under Section 20A-9-405] the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and (ii) pay the filing fee. (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.





this section]. (c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who was not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).] (d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.] (2) (a) [Each] As a condition for using the state's election system, each registered political party[, in a statement filed with the lieutenant governor,] that wishes to participate in the primary election shall: (i) [either] declare their intent to participate in the [next regular] primary election [or declare that the registered political party chooses not to have the names of its candidates for elective office featured on the ballot at the next regular general election; and]; (ii) [if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether [or not] persons identified as unaffiliated with a political party may vote for the registered political party's candidates[.]; and - [(b) (i) A registered political party that is a continuing political party must file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 15 of each odd-numbered year.] f(ii) An organization that is seeking to become a registered political party under Section 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.] [(3) (a) Except as provided in Subsection (3)(e), a person who has submitted a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of

candidacy only if the person is certified by the appropriate filing officer as having submitted a set of nomination petitions that was: - [(i) circulated and completed in accordance with Section 20A-9-405; and] - [(ii) signed by at least two percent of the registered political party's members who reside in the political division of the office that the person seeks.]



submission, using widely recognized statistical sampling techniques; and f(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.] (iii) certify the information described in this Subsection (2)(a) to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year. (b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall: (i) certify the name and office of all the registered political party's candidates to the lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot; and (ii) certify the name and office of each of the registered political party's county candidates to the county clerks by 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot. (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide candidates, multicounty candidates, or single county candidates that shall be printed on the primary ballot and the order the candidates are to appear on the ballot in accordance with Section 20A-6-305. (d) Except for presidential candidates, if a registered political party does not wish to participate in the primary election, the registered political party shall submit the names of the registered political party's county candidates to the county clerks and the names of all of the registered political party's candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year. (g) (3) The county clerk shall: [(i)] (a) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat; [(ii)] (b) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and [(iii)] (c) determine the order of the [local board of education] candidates' names on the

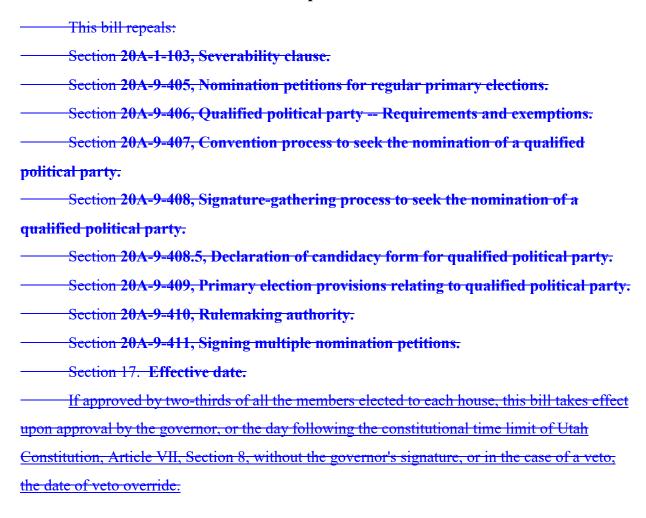
ballot in accordance with Section 20A-6-305. (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks: (i) a list of the names of all candidates for federal, constitutional, multi-county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary-election ballot in accordance with Section 20A-6-305; and] (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude such candidates from the primary-election ballot.] (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary-election ballot.] [(c)] (4) After the county clerk receives the certified list from [the lieutenant governor under Subsection (4)(a)] a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form: "Notice is given that a primary election will be held Tuesday, June (year), to nominate party candidates for the parties and [candidates for] nonpartisan [local school board positions] offices listed on the primary ballot. The polling place for voting precinct is . The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk." (5) (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their registered political party or nonpartisan group for that office [or are nominated as a candidate for a nonpartisan local school board position]. (b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions. (c) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary ballot. A candidate is "unopposed" if no person other than the candidate has received a

certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office.] (6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines. (b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine. (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections. (8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws. Section 15. Section 20A-9-701 is amended to read: 20A-9-701. Certification of party candidates to county clerks -- Display on ballot. (1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk[, for offices to be voted upon at the regular general election in that county clerk's county: (a)] the names of each candidate [nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and (b) the names of the], including candidates for president and vice president that are certified by the registered political party as the party's nominees for offices to be voted upon at the regular general election in that county clerk's county. (2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy. [No other names may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered

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political party, political party, or other political group.]

Section 16. Repealer.



Legislative Review Note

Office of Legislative Research and General Counsel}