

HB0131S01 compared with HB0131

~~{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.

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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 provisions of 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;~~

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- ~~→~~ 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} clarifies certain 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:

~~{20A-1-102}~~ 20A-7-202.5, as last amended by Laws of Utah ~~{2015}~~ 2013, ~~{Chapters 296, 352, and 392}~~ Chapter 310

~~{20A-1-201.5}~~ 20a-7-308, as last amended by Laws of Utah ~~{2015}~~ 2010, ~~{Chapters 296 and 352}~~

- ~~— 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~~

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- ~~20A-9-406~~, as last amended by Laws of Utah 2015, Chapter 296
- ~~20A-9-407~~, as last amended by Laws of Utah 2015, Chapter 296
- ~~20A-9-408~~, as last amended by Laws of Utah 2015, Chapter 296
- ~~20A-9-408.5~~, as enacted by Laws of Utah 2015, Chapter 296
- ~~20A-9-409~~, as enacted by Laws of Utah 2014, Chapter 17
- ~~20A-9-410~~, as enacted by Laws of Utah 2014, Chapter 17
- ~~20A-9-411~~, as enacted by Laws of Utah 2015, Chapter 296

~~Chapter 367~~

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

Section 1. Section ~~{20A-1-102}~~ 20A-7-202.5 is amended to read:

~~{~~ ~~20A-1-102.~~ **Definitions.**

~~As used in this title:~~

- ~~(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.~~
- ~~(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.~~
- ~~(3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.~~
- ~~(b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.~~
- ~~(4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:~~
 - ~~(a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and~~
 - ~~(b) are used in conjunction with ballot sheets that do not display that information.~~
- ~~(5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:~~
 - ~~(a) an opinion question specifically authorized by the Legislature;~~
 - ~~(b) a constitutional amendment;~~
 - ~~(c) an initiative;~~
 - ~~(d) a referendum;~~

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- ~~—— (e) a bond proposition;~~
- ~~—— (f) a judicial retention question;~~
- ~~—— (g) an incorporation of a city or town; or~~
- ~~—— (h) any other ballot question specifically authorized by the Legislature.~~
- ~~—— (6) "Ballot sheet":~~
 - ~~—— (a) means a ballot that:~~
 - ~~—— (i) consists of paper or a card where the voter's votes are marked or recorded; and~~
 - ~~—— (ii) can be counted using automatic tabulating equipment; and~~
 - ~~—— (b) includes punch card ballots and other ballots that are machine-countable.~~
- ~~—— (7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.~~
- ~~—— (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.~~
- ~~—— (9) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.~~
- ~~—— (10) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.~~
- ~~—— (11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.~~
- ~~—— (12) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.~~
- ~~—— (13) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.~~
- ~~—— (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.~~
- ~~—— (15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.~~
- ~~—— (16) "Convention" means the political party convention at which party officers and delegates are selected.~~
- ~~—— (17) "Counting center" means one or more locations selected by the election officer in~~

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~~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.~~

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- ~~———— (27) "Election judge" means a poll worker that is assigned to:~~
 - ~~———— (a) preside over other poll workers at a polling place;~~
 - ~~———— (b) act as the presiding election judge; or~~
 - ~~———— (c) serve as a canvassing judge, counting judge, or receiving judge.~~
- ~~———— (28) "Election officer" means:~~
 - ~~———— (a) the lieutenant governor, for all statewide ballots and elections;~~
 - ~~———— (b) the county clerk for:
 - ~~———— (i) a county ballot and election; and~~
 - ~~———— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;~~~~
 - ~~———— (c) the municipal clerk for:
 - ~~———— (i) a municipal ballot and election; and~~
 - ~~———— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;~~~~
 - ~~———— (d) the local district clerk or chief executive officer for:
 - ~~———— (i) a local district ballot and election; and~~
 - ~~———— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or~~~~
 - ~~———— (e) the business administrator or superintendent of a school district for:
 - ~~———— (i) a school district ballot and election; and~~
 - ~~———— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.~~~~
- ~~———— (29) "Election official" means any election officer, election judge, or poll worker.~~
- ~~———— (30) "Election results" means:~~
 - ~~———— (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or~~
 - ~~———— (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.~~
- ~~———— (31) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition~~

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~~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;~~

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- ~~—— (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or~~
- ~~—— (c) the chair of a metro township form of government defined in Section 10-3b-102.~~
- ~~—— (45) "Municipal general election" means the election held in municipalities and, as applicable, local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.~~
- ~~—— (46) "Municipal legislative body" means:~~
 - ~~—— (a) the council of the city or town in any form of municipal government; or~~
 - ~~—— (b) the council of a metro township.~~
- ~~—— (47) "Municipal office" means an elective office in a municipality.~~
- ~~—— (48) "Municipal officers" means those municipal officers that are required by law to be elected.~~
- ~~—— (49) "Municipal primary election" means an election held to nominate candidates for municipal office.~~
- ~~—— (50) "Official ballot" means the ballots distributed by the election officer to the poll workers to be given to voters to record their votes.~~
- ~~—— (51) "Official endorsement" means:~~
 - ~~—— (a) the information on the ballot that identifies:~~
 - ~~—— (i) the ballot as an official ballot;~~
 - ~~—— (ii) the date of the election; and~~
 - ~~—— (iii) (A) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or~~
 - ~~—— (B) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(c)(iii); and~~
 - ~~—— (b) the information on the ballot stub that identifies:~~
 - ~~—— (i) the poll worker's initials; and~~
 - ~~—— (ii) the ballot number.~~
- ~~—— (52) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.~~
- ~~—— (53) "Paper ballot" means a paper that contains:~~
 - ~~—— (a) the names of offices and candidates and statements of ballot propositions to be~~

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~~voted on; and~~

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

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

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

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

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

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

~~—— (b) "Poll worker" includes election judges.~~

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

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

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

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

~~—— (a) is built into a voting machine; and~~

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

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

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

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

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

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

~~—— (64) "Provisional ballot envelope" means an envelope printed in the form required by~~

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~~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.~~

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

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

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

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

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

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

~~———— (83) "Valid voter identification" means:~~

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

~~———— (i) a currently valid Utah driver license;~~

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

~~———— (A) the state; or~~

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

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

~~———— (iv) a currently valid United States passport; or~~

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

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

~~———— (i) a valid tribal identification card;~~

~~———— (ii) a Bureau of Indian Affairs card; or~~

~~———— (iii) a tribal treaty card; or~~

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

~~———— (i) a current utility bill or a legible copy thereof, dated within the 90 days before the~~

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election;

- ~~—— (ii) a bank or other financial account statement, or a legible copy thereof;~~
- ~~—— (iii) a certified birth certificate;~~
- ~~—— (iv) a valid Social Security card;~~
- ~~—— (v) a check issued by the state or the federal government or a legible copy thereof;~~
- ~~—— (vi) a paycheck from the voter's employer, or a legible copy thereof;~~
- ~~—— (vii) a currently valid Utah hunting or fishing license;~~
- ~~—— (viii) certified naturalization documentation;~~
- ~~—— (ix) a currently valid license issued by an authorized agency of the United States;~~
- ~~—— (x) a certified copy of court records showing the voter's adoption or name change;~~
- ~~—— (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;~~
- ~~—— (xii) a currently valid identification card issued by:~~
 - ~~—— (A) a local government within the state;~~
 - ~~—— (B) an employer for an employee; or~~
 - ~~—— (C) a college, university, technical school, or professional school located within the state; or~~
- ~~—— (xiii) a current Utah vehicle registration.~~
- ~~—— (84) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.~~
- ~~—— (85) "Voter" means a person who:~~
 - ~~—— (a) meets the requirements for voting in an election;~~
 - ~~—— (b) meets the requirements of election registration;~~
 - ~~—— (c) is registered to vote; and~~
 - ~~—— (d) is listed in the official register book.~~
- ~~—— (86) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.~~
- ~~—— (87) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.~~
- ~~—— (88) "Voting booth" means:~~
 - ~~—— (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or~~

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- ~~—— (b) a voting device that is free standing.~~
- ~~—— (89) "Voting device" means:~~
 - ~~—— (a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;~~
 - ~~—— (b) a device for marking the ballots with ink or another substance;~~
 - ~~—— (c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;~~
 - ~~—— (d) an automated voting system under Section 20A-5-302; or~~
 - ~~—— (e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.~~
- ~~—— (90) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.~~
- ~~—— (91) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.~~
- ~~—— (92) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.~~
- ~~—— (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.~~
- ~~—— (94) "Western States Presidential Primary" means the election established in Chapter 9, Part 8, Western States Presidential Primary.~~
- ~~—— (95) "Write-in ballot" means a ballot containing any write-in votes.~~
- ~~—— (96) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.~~
- ~~—— Section 2. Section **20A-1-201.5** is amended to read:~~
 - ~~—— **20A-1-201.5. Primary election dates.**~~
 - ~~—— (1) A regular primary election shall be held throughout the state on the fourth Tuesday of June of each even numbered year, as provided in Section 20A-9-403, [20A-9-407, or 20A-9-408, as applicable,] to nominate persons for:~~
 - ~~—— (a) national, state, school board, and county offices; and~~
 - ~~—— (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.~~
 - ~~—— (2) A municipal primary election shall be held, if necessary, on the second Tuesday~~

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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~~

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physician;

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

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

~~—— (c) for a registered political party with a candidate certified as winning a primary election, after the deadline described in Subsection (1)(a) and continuing through the day before that 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 physician;~~

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

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

~~—— (2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for 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 that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer:~~

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

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

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

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

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

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~~20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect of unnecessary marking of cross:~~

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

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

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

~~(c) make both markings.~~

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

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

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

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

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

~~(ii) indicate the voter's choice by:~~

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

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

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

~~(i) select that party on the straight party selection area; or~~

~~(ii) select the name of each candidate from that party.~~

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

~~(i) select the names of the candidates for whom the voter wishes to vote without selecting a political party in the straight party selection area; or~~

~~(ii) (A) select a political party in the straight party selection area; and~~

~~(B) select the names of the candidates for whom the voter wishes to vote [who are members of any party, are unaffiliated, or are listed without party name].~~

~~(4) In any election other than a primary election, if a voter voting a ballot has selected or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote~~

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~~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~~

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

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

~~_____ (i) publish a notice:~~

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

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

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

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

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

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

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

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

~~_____ (a) the date and place of election;~~

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

~~_____ (c) the polling places for each voting precinct;~~

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

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

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

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

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

~~_____ Section 6. Section **20A-6-301** is amended to read:~~

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

~~_____ (1) Each election officer shall ensure that:~~

~~_____ (a) all paper ballots furnished for use at the regular general election contain[: (i)] no captions or other endorsements except as provided in this section;~~

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~~—— [(ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and]~~

~~—— [(iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).]~~

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

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

~~—— (iii) ballot stubs are numbered consecutively;~~

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

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

~~—— (ii) the date of the election; and~~

~~—— (iii) the words "Clerk of _____ County";~~

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

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

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

~~—— (g) unaffiliated candidates[,] and candidates not affiliated with a registered political party[,] and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5),] are listed in one column in the order specified under Section 20A-6-305, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";~~

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~~—— (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;~~

~~—— (l) 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~~

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~~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:~~

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- ~~—— (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;~~
- ~~—— (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; and~~
- ~~—— (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.~~
- ~~—— Section 7. Section 20A-6-302 is amended to read:~~
- ~~—— **20A-6-302. Paper ballots -- Placement of candidates' names:**~~
- ~~—— (1) Each election officer shall ensure, for paper ballots in regular general elections, that:~~
- ~~—— (a) each candidate is listed by party[, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)];~~
- ~~—— (b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and~~
- ~~—— (c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.~~
- ~~—— (2) (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county 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 county attorney? Yes ____ No ____."~~
- ~~—— (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county 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 county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.~~
- ~~—— (e) If no qualified person files for the office of county attorney or if the candidate is not~~

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~~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~~

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~~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~~

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page;

~~—— (ii) if all candidates for one office cannot be listed in one column or grouped on one page;~~

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

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

~~—— (2) Each election officer shall ensure that:~~

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

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

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

~~—— Section 9. Section ~~20A-6-304~~ is amended to read:~~

~~—— ~~20A-6-304. Regular general election -- Electronic ballots.~~~~

~~—— (1) Each election officer shall ensure that:~~

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

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

~~—— (c) the electronic ballot is of sufficient length 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 making a single selection; 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 displayed in the order specified under Section 20A-6-305;~~

~~—— (f) the office titles are displayed above or at the side of the names of candidates so as to~~

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~~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~~

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- ~~—— (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 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;

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(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 Management and Budget estimates that the law proposed by this initiative would result in a total fiscal expense/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

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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

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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

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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.

~~{ Section 11. Section 20A-9-101 is amended to read:~~

~~20A-9-101. Definitions.~~

~~As used in this chapter:~~

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

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

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

~~(ii) presidential elector;~~

~~(iii) any political party offices; and~~

~~(iv) municipal or local district offices.~~

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

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

~~[(4)] (3) (a) "County office" means an elective office where the office holder is selected~~

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~~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~~

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- ~~—— (vi) any municipal or local district offices.~~
- ~~—— [(10)] (9) "Municipal office" means an elective office in a municipality.~~
- ~~—— [(11)] (10) (a) "Political division" means a geographic unit from which an office holder is elected and that an office holder represents.~~
- ~~—— (b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.~~
- ~~—— [(12) "Qualified political party" means a registered political party that:]~~
- ~~—— [(a) permits voters who are unaffiliated with any political party to vote for the registered political party's candidates in a primary election;]~~
- ~~—— [(b) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or]~~
- ~~—— [(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;]~~
- ~~—— [(c) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;]~~
- ~~—— [(d) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:]~~
- ~~—— [(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or]~~
- ~~—— [(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and]~~
- ~~—— [(c) (i) if the registered political party is a continuing political party, no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or]~~
- ~~—— [(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.]~~
- ~~—— Section 12. Section **20A-9-201** is amended to read:~~

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

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

~~(a) be a United States citizen; and~~

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

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

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

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

~~(2) (a) Except as provided in Subsection (2)(b), an individual may not:~~

~~(i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;~~

~~(ii) appear on the ballot as the candidate of more than one political party; or~~

~~(iii) 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 in the registered political party's bylaws.~~

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

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

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

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

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

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~~—— (B) require the candidate to state whether or not the candidate meets those requirements:~~

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

~~—— (A) a United States citizen;~~

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

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

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

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

~~—— (A) a United States citizen;~~

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

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

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

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

~~—— (A) as of the date of filing:~~

~~—— (I) is a United States citizen;~~

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

~~—— (III) (Aa) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and~~

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~~Certification Act; or~~

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

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

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

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

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

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

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

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

~~—— (i) inform the candidate that:~~

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

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

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

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

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

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

~~—— (ii) except for a presidential candidate, provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the~~

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~~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~~

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~~a financial statement filed at the time the affidavit 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:~~

~~Date _____ Signature _____~~

~~Affiant~~

~~Subscribed and sworn to before me on _____ (month\day\year)~~

~~_____
_____ (signature)~~

~~—— 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, a candidate who is found guilty of filing a false statement, in addition to being subject to criminal 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~~

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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~~

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~~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)] (c) 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.~~

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

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

~~—— (ii) pay the filing fee[; and];~~

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

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

~~—— (4) Each registered political party shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (ii) the person is a member of:~~

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

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

~~—— (C) the National Guard on activated status;~~

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

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

~~—— Section 14. Section **20A-9-403** is amended to read:~~

~~—— **20A-9-403. Regular primary elections.**~~

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

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

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~~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.]~~

~~—— [(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)(c), 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.]~~

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

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

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

~~—— [(i) verify signatures on nomination petitions in a transparent and orderly manner;]~~

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

~~—— [(iii) consider active and inactive voters eligible to sign nomination petitions;]~~

~~—— [(iv) consider a person who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered political party as the person's party membership on the person's voter registration form; and]~~

~~—— [(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures pursuant to rules made under Subsection (3)(f).]~~

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

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

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

~~—— [(A) filing officers are required to use to verify signatures under Subsection (3)(d); and]~~

~~—— [(B) reflect a bona fide effort to determine the validity of a candidate's entire~~

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~~submission, using widely recognized statistical sampling techniques; and]~~

~~—— [(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~~

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~~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~~

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

~~—— Section 16. **Repealer.**~~

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~~— This bill repeals:~~

~~— Section 20A-1-103, Severability clause.~~

~~— Section 20A-9-405, Nomination petitions for regular primary elections.~~

~~— Section 20A-9-406, Qualified political party -- Requirements and exemptions.~~

~~— Section 20A-9-407, Convention process to seek the nomination of a qualified political party.~~

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

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

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

~~— Section 20A-9-410, Rulemaking authority.~~

~~— Section 20A-9-411, Signing multiple nomination petitions.~~

~~— Section 17. Effective date.~~

~~— If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.~~

Legislative Review Note

Office of Legislative Research and General Counsel}