

Representative Justin L. Fawson proposes the following substitute bill:

ELECTION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill amends provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ modifies and makes the following deadlines, for a registered political party that is not a qualified political party, consistent with deadlines for a qualified political party:
 - the deadline for filing a declaration of candidacy;
 - the deadline for submitting signature sheets to secure a nomination; and
 - the deadline for a filing officer to verify signatures and issue certifications;
- ▶ removes an unnecessary provision of law relating to the duty of a registered political party;
- ▶ provides that a candidate who is selected at convention may not be kept from the ballot based on an action by a qualified political party to prevent an individual from seeking nomination by gathering signatures;
- ▶ shortens the period of time for filing a notice of intent to gather signatures to qualify for placement on the regular primary election ballot;
- ▶ if the Count My Vote citizen's initiative petition fails to become law, reinstates the



26 election system in effect before passage of 2014 General Session, S.B. 54, Elections
27 Amendments, as follows:

- 28 • modifies dates and other provisions relating to a notice of election;
- 29 • repeals provisions relating to obtaining the nomination of a registered political
30 party by petition;
- 31 • repeals certain limitations relating to when a ballot or ballot sheet may indicate
32 that a candidate is associated with a particular political party;
- 33 • repeals all provisions relating to a qualified political party;
- 34 • modifies provisions and dates relating to a declaration of candidacy; and
- 35 • modifies provisions relating to the conduct of a primary election; and
- 36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 This bill provides revisor instructions.

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52

45 **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352

46 **20A-1-501**, as last amended by Laws of Utah 2016, Chapter 16

47 **20A-3-106**, as last amended by Laws of Utah 2015, Chapter 296

48 **20A-5-101**, as last amended by Laws of Utah 2017, Chapters 251, 267 and last
49 amended by Coordination Clause, Laws of Utah 2017, Chapter 267

50 **20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66

51 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17

52 **20A-6-303**, as last amended by Laws of Utah 2016, Chapter 66

53 **20A-6-304**, as last amended by Laws of Utah 2016, Chapter 66

54 **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91

55 **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16

56 **20A-9-201**, as last amended by Laws of Utah 2017, Chapter 63

- 57 **20A-9-202**, as last amended by Laws of Utah 2017, Chapter 63
- 58 **20A-9-203**, as last amended by Laws of Utah 2017, Chapter 91
- 59 **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91
- 60 **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91
- 61 **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91
- 62 **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91
- 63 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296

64 ENACTS:

- 65 **20A-9-406.5**, Utah Code Annotated 1953

66 REPEALS:

- 67 **20A-1-103**, as last amended by Laws of Utah 2015, Chapter 258
- 68 **20A-9-405**, as enacted by Laws of Utah 2014, Chapter 17
- 69 **20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91
- 70 **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91
- 71 **20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296
- 72 **20A-9-410**, as enacted by Laws of Utah 2014, Chapter 17
- 73 **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296

74 **Utah Code Sections Affected by Revisor Instructions:**

- 75 **20A-9-202**, as last amended by Laws of Utah 2017, Chapter 63
- 76 **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91
- 77 **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91
- 78 **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91



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

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

82 **20A-1-102. Definitions.**

83 As used in this title:

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

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

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

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

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

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

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

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

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

99 (b) a constitutional amendment;

100 (c) an initiative;

101 (d) a referendum;

102 (e) a bond proposition;

103 (f) a judicial retention question;

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

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

106 (6) "Ballot sheet":

107 (a) means a ballot that:

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

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

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

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

114 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
115 [20A-4-306](#) to canvass election returns.

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

118 (10) "Book voter registration form" means voter registration forms contained in a

119 bound book that are used by election officers and registration agents to register persons to vote.

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

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

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

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

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

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

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

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

136 (19) "Counting poll watcher" means a person selected as provided in Section
137 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

146 (b) does not include:

147 (i) deadlines established for absentee voting; or

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

- 150 (23) "Elected official" means:
- 151 (a) a person elected to an office under Section 20A-1-303;
- 152 (b) a person who is considered to be elected to a municipal office in accordance with
- 153 Subsection 20A-1-206(1)(c)(ii); or
- 154 (c) a person who is considered to be elected to a local district office in accordance with
- 155 Subsection 20A-1-206(3)(c)(ii).
- 156 (24) "Election" means a regular general election, a municipal general election, a
- 157 statewide special election, a local special election, a regular primary election, a municipal
- 158 primary election, and a local district election.
- 159 (25) "Election Assistance Commission" means the commission established by the Help
- 160 America Vote Act of 2002, Pub. L. No. 107-252.
- 161 (26) "Election cycle" means the period beginning on the first day persons are eligible to
- 162 file declarations of candidacy and ending when the canvass is completed.
- 163 (27) "Election judge" means a poll worker that is assigned to:
- 164 (a) preside over other poll workers at a polling place;
- 165 (b) act as the presiding election judge; or
- 166 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 167 (28) "Election officer" means:
- 168 (a) the lieutenant governor, for all statewide ballots and elections;
- 169 (b) the county clerk for:
- 170 (i) a county ballot and election; and
- 171 (ii) a ballot and election as a provider election officer as provided in Section
- 172 20A-5-400.1 or 20A-5-400.5;
- 173 (c) the municipal clerk for:
- 174 (i) a municipal ballot and election; and
- 175 (ii) a ballot and election as a provider election officer as provided in Section
- 176 20A-5-400.1 or 20A-5-400.5;
- 177 (d) the local district clerk or chief executive officer for:
- 178 (i) a local district ballot and election; and
- 179 (ii) a ballot and election as a provider election officer as provided in Section
- 180 20A-5-400.1 or 20A-5-400.5; or

- 181 (e) the business administrator or superintendent of a school district for:
182 (i) a school district ballot and election; and
183 (ii) a ballot and election as a provider election officer as provided in Section
184 [20A-5-400.1](#) or [20A-5-400.5](#).
- 185 (29) "Election official" means any election officer, election judge, or poll worker.
186 (30) "Election results" means:
187 (a) for an election other than a bond election, the count of votes cast in the election and
188 the election returns requested by the board of canvassers; or
189 (b) for bond elections, the count of those votes cast for and against the bond
190 proposition plus any or all of the election returns that the board of canvassers may request.
191 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
192 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
193 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
194 form, and the total votes cast form.
195 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
196 device or other voting device that records and stores ballot information by electronic means.
197 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
198 or logically associated with a record and executed or adopted by a person with the intent to sign
199 the record.
200 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
201 (b) "Electronic voting device" includes a direct recording electronic voting device.
202 (35) "Inactive voter" means a registered voter who is listed as inactive by a county
203 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
204 (36) "Inspecting poll watcher" means a person selected as provided in this title to
205 witness the receipt and safe deposit of voted and counted ballots.
206 (37) "Judicial office" means the office filled by any judicial officer.
207 (38) "Judicial officer" means any justice or judge of a court of record or any county
208 court judge.
209 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
210 Local Government Entities - Local Districts, and includes a special service district under Title
211 17D, Chapter 1, Special Service District Act.

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

214 (41) "Local election" means a regular county election, a regular municipal election, a
215 municipal primary election, a local special election, a local district election, and a bond
216 election.

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

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

222 (44) "Municipal executive" means:

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

224 (b) the mayor in the council-manager form of government defined in Subsection
225 10-3b-103(7); or

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

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

230 (46) "Municipal legislative body" means:

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

232 (b) the council of a metro township.

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

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

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

238 (50) "Municipality" means a city, town, or metro township.

239 (51) "Official ballot" means the ballots distributed by the election officer to the poll
240 workers to be given to voters to record their votes.

241 (52) "Official endorsement" means:

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

- 243 (i) the ballot as an official ballot;
- 244 (ii) the date of the election; and
- 245 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
- 246 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or
- 247 (B) for a ballot prepared by a county clerk, the words required by Subsection
- 248 20A-6-301(1)(c)(iii); and
- 249 (b) the information on the ballot stub that identifies:
- 250 (i) the poll worker's initials; and
- 251 (ii) the ballot number.
- 252 (53) "Official register" means the official record furnished to election officials by the
- 253 election officer that contains the information required by Section 20A-5-401.
- 254 (54) "Paper ballot" means a paper that contains:
- 255 (a) the names of offices and candidates and statements of ballot propositions to be
- 256 voted on; and
- 257 (b) spaces for the voter to record the voter's vote for each office and for or against each
- 258 ballot proposition.
- 259 (55) "Political party" means an organization of registered voters that has qualified to
- 260 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
- 261 and Procedures.
- 262 (56) "Pollbook" means a record of the names of voters in the order that they appear to
- 263 cast votes.
- 264 (57) "Polling place" means the building where voting is conducted.
- 265 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
- 266 election, voting, or counting votes.
- 267 (b) "Poll worker" includes election judges.
- 268 (c) "Poll worker" does not include a watcher.
- 269 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 270 in which the voter marks the voter's choice.
- 271 (60) "Primary convention" means ~~[the]~~ a political party ~~[conventions held during the~~
- 272 ~~year of]~~ convention at which nominees for the regular [general] primary election are selected.
- 273 (61) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

276 (62) "Provider election officer" means an election officer who enters into a contract or
277 interlocal agreement with a contracting election officer to conduct an election for the
278 contracting election officer's local political subdivision in accordance with Section
279 [20A-5-400.1](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

313 (a) is spoiled by the voter;

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

315 (c) lacks the official endorsement.

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

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

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

321 (80) "Ticket" means a list of:

322 (a) political parties;

323 (b) candidates for an office; or

324 (c) ballot propositions.

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

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

330 (83) "Valid voter identification" means:

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

333 (i) a currently valid Utah driver license;

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

335 (A) the state; or

- 336 (B) a branch, department, or agency of the United States;
- 337 (iii) a currently valid Utah permit to carry a concealed weapon;
- 338 (iv) a currently valid United States passport; or
- 339 (v) a currently valid United States military identification card;
- 340 (b) one of the following identification cards, whether or not the card includes a
- 341 photograph of the voter:
 - 342 (i) a valid tribal identification card;
 - 343 (ii) a Bureau of Indian Affairs card; or
 - 344 (iii) a tribal treaty card; or
 - 345 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
 - 346 the name of the voter and provide evidence that the voter resides in the voting precinct, which
 - 347 may include:
 - 348 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 - 349 election;
 - 350 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 351 (iii) a certified birth certificate;
 - 352 (iv) a valid social security card;
 - 353 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 354 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 355 (vii) a currently valid Utah hunting or fishing license;
 - 356 (viii) certified naturalization documentation;
 - 357 (ix) a currently valid license issued by an authorized agency of the United States;
 - 358 (x) a certified copy of court records showing the voter's adoption or name change;
 - 359 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 360 (xii) a currently valid identification card issued by:
 - 361 (A) a local government within the state;
 - 362 (B) an employer for an employee; or
 - 363 (C) a college, university, technical school, or professional school located within the
 - 364 state; or
 - 365 (xiii) a current Utah vehicle registration.
 - 366 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in

367 candidate by following the procedures and requirements of this title.

368 (85) "Voter" means a person who:

369 (a) meets the requirements for voting in an election;

370 (b) meets the requirements of election registration;

371 (c) is registered to vote; and

372 (d) is listed in the official register book.

373 (86) "Voter registration deadline" means the registration deadline provided in Section
374 [20A-2-102.5](#).

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

377 (88) "Voting booth" means:

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

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

381 (89) "Voting device" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

404 **20A-1-201.5. Primary election dates.**

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

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

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

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

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

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

417 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

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

428 (i) only one or two candidates from that party have filed a declaration of candidacy for

429 that office; and
430 (ii) one or both:
431 (A) dies;
432 (B) resigns because of acquiring a physical or mental disability, certified by a
433 physician, that prevents the candidate from continuing the candidacy; or
434 (C) is disqualified by an election officer for improper filing or nominating procedures;
435 (b) for a registered political party that does not have a candidate on the ballot in a
436 primary, but that will have a candidate on the ballot for a general election, after the close of the
437 period for filing a declaration of candidacy and continuing through the day before the day on
438 which the lieutenant governor makes the certification described in Section [20A-5-409](#), the
439 party's candidate:
440 (i) dies;
441 (ii) resigns because of acquiring a physical or mental disability as certified by a
442 physician;
443 (iii) is disqualified by an election officer for improper filing or nominating procedures;
444 or
445 (iv) resigns to become a candidate for president or vice president of the United States;
446 or
447 (c) for a registered political party with a candidate certified as winning a primary
448 election, after the deadline described in Subsection (1)(a) and continuing through the day
449 before that day on which the lieutenant governor makes the certification described in Section
450 [20A-5-409](#), the party's candidate:
451 (i) dies;
452 (ii) resigns because of acquiring a physical or mental disability as certified by a
453 physician;
454 (iii) is disqualified by an election officer for improper filing or nominating procedures;
455 or
456 (iv) resigns to become a candidate for president or vice president of the United States.
457 (2) If no more than two candidates from a political party have filed a declaration of
458 candidacy for an office elected at a regular general election and one resigns to become the party
459 candidate for another position, the state central committee of that political party, for candidates

460 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
461 legislative candidates whose legislative districts encompass more than one county, and the
462 county central committee of that political party, for all other party candidates, may certify the
463 name of another candidate to the appropriate election officer.

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

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

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

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

472 (5) A political party may not replace a candidate who is disqualified for failure to
473 timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and
474 Financial Reporting Requirements, or Section 17-16-6.5.

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

476 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**
477 **of unnecessary marking of cross.**

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

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

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

483 (c) make both markings.

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

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

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

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

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

- 491 (ii) indicate the voter's choice by:
- 492 (A) marking in the circle or position above one political party; and
- 493 (B) marking in the squares or positions opposite the names of desired candidates [~~who~~
494 ~~are members of any party, are unaffiliated, or are listed without party name~~].
- 495 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the
496 candidates [~~who are listed on the ballot as being~~] from any one registered political party may:
- 497 (i) select that party on the straight party selection area; or
- 498 (ii) select the name of each candidate from that party.
- 499 (b) To vote for candidates from two or more political parties, the voter may:
- 500 (i) select the names of the candidates for whom the voter wishes to vote without
501 selecting a political party in the straight party selection area; or
- 502 (ii) (A) select a political party in the straight party selection area; and
- 503 (B) select the names of the candidates for whom the voter wishes to vote [~~who are~~
504 ~~members of any party, are unaffiliated, or are listed without party name~~].
- 505 (4) In any election other than a primary election, if a voter voting a ballot has selected
506 or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote
507 for a person on another party ticket for an office, [~~or for an unaffiliated candidate,~~] the voter
508 shall select or mark the ballot next to the name of the candidate for whom the voter wishes to
509 vote.
- 510 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:
- 511 (i) by entering the name of a valid write-in candidate:
- 512 (A) by writing the name of a valid write-in candidate in the blank write-in section of
513 the ballot; or
- 514 (B) by affixing a sticker with the office and name of the valid write-in name printed on
515 it in the blank write-in part of the ballot; and
- 516 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's
517 vote.
- 518 (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person
519 whose name is written or whose sticker appears in the blank write-in part of the ballot, if a
520 mark is made opposite that name.
- 521 (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on

522 the ticket below the marked circle does not affect the validity of the vote.

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

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

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

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

528 **20A-5-101. Notice of election.**

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

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

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

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

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

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

543 (i) publish a notice:

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

545 (B) as required in Section [45-1-101](#); or

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

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

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

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

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

553 (3) Before each election, the election officer shall give printed notice of the following
554 information, or printed notice of a website where the following information can be obtained:

555 (a) the date of election;

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

557 (c) the polling places for each voting precinct, early voting polling place, and election
558 day voting center;

559 (d) the address of the Statewide Electronic Voter Information Website and, if available,
560 the address of the election officer's website, with a statement indicating that the election officer
561 will post on the website any changes to the location of a polling place and the location of any
562 additional polling place;

563 (e) a phone number that a voter may call to obtain information regarding the location of
564 a polling place; and

565 (f) the qualifications for persons to vote in the election.

566 (4) To provide the printed notice described in Subsection (3), the election officer shall:

567 (a) publish the notice at least two days before election day:

568 (i) in a newspaper of general circulation common to the area to which the election
569 pertains; and

570 (ii) as required in Section 45-1-101; or

571 (b) mail the notice to each registered voter who resides in the area to which the election
572 pertains at least five days before election day.

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

574 **20A-6-301. Paper ballots -- Regular general election.**

575 (1) Each election officer shall ensure that:

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

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

581 ~~[(iii) no indication that a candidate for elective office has been nominated by, or has
582 been endorsed by, or is in any way affiliated with a political party or group, unless the
583 candidate has been nominated by a registered political party in accordance with Subsection~~

584 ~~20A-9-202(4) or Subsection 20A-9-403(5).]~~

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

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

589 (iii) ballot stubs are numbered consecutively;

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

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

593 (ii) the date of the election; and

594 (iii) the words "Clerk of _____ County" or, as applicable, the name of a
595 combined office that includes the duties of a county clerk;

596 (d) the party name or title is printed in capital letters not less than one-fourth of an inch
597 high;

598 (e) unaffiliated candidates~~[;]~~ and candidates not affiliated with a registered political
599 party~~[-, and all other candidates for elective office who were not nominated by a registered
600 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).]~~ are
601 listed with the other candidates for the same office in accordance with Section 20A-6-305,
602 without a party name or title, and with a mark referencing the following statement at the
603 bottom of the ticket: "This candidate is not affiliated with~~[-, or does not qualify to be listed on
604 the ballot as affiliated with,]~~ a political party.";

605 (f) each ticket containing the lists of candidates, including the party name and device,
606 are separated by heavy parallel lines;

607 (g) the offices to be filled are plainly printed immediately above the names of the
608 candidates for those offices;

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

612 (i) on a ticket for a race in which a voter is authorized to cast a write-in vote and in
613 which a write-in candidate is qualified under Section 20A-9-601:

614 (i) the ballot includes a space for a write-in candidate immediately following the last

615 candidate listed on that ticket; or

616 (ii) for the offices of president and vice president and governor and lieutenant
617 governor, the ballot includes two spaces for write-in candidates immediately following the last
618 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in
619 candidates.

620 (2) Each election officer shall ensure that:

621 (a) each person nominated by any registered political party [~~under Subsection~~
622 ~~20A-9-202(4) or Subsection 20A-9-403(5), and no other person,~~] or group of petitioners is
623 placed on the ballot:

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

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

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

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

632 (d) the ballots contain no other names.

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

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

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

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

640 (d) the nonpartisan candidates are grouped according to the office for which they are
641 candidates;

642 (e) the names in each group are placed in the order specified under Section [20A-6-305](#)
643 with the surnames last; and

644 (f) each group is preceded by the designation of the office for which the candidates
645 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of

646 candidates for which the voter may vote)," according to the number to be elected.

647 (4) Each election officer shall ensure that:

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

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

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

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

655 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

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

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

662 (c) the names of candidates are placed on the ballot in the order specified under Section
663 20A-6-305.

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

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

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

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

677 received for the office of county attorney.

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

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

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

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

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

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

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

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

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

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

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

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

719 **20A-6-303. Regular general election -- Ballot sheets.**

720 (1) Each election officer shall ensure that:

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

723 (b) the ballot sheet or any pages used for the ballot label are of sufficient number to
724 include, after the list of candidates:

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

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

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

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

732 (e) (i) if possible, all candidates for one office are grouped in one column or upon one
733 page;

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

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

738 (B) approximately the same number of names shall be printed in each column or on

739 each page.

740 (2) Each election officer shall ensure that:

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

743 (b) ballot propositions submitted to the voters are listed in accordance with Section
744 20A-6-107; and

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

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

748 **20A-6-304. Regular general election -- Electronic ballots.**

749 (1) Each election officer shall ensure that:

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

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

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

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

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

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

759 (e) the party designation of each candidate [~~who has been nominated by a registered~~
760 ~~political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] is displayed~~
761 adjacent to the candidate's name; and

762 (f) if possible, all candidates for one office are grouped in one column or upon one
763 display screen.

764 (2) Each election officer shall ensure that:

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

767 (b) ballot propositions submitted to the voters are displayed in accordance with Section
768 20A-6-107; and

769 (c) bond propositions that have qualified for the ballot are displayed under the title

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

771 Section 10. Section **20A-8-103** is amended to read:

772 **20A-8-103. Petition procedures -- Criminal penalty.**

773 (1) As used in this section, the proposed name or emblem of a registered political party
774 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
775 difference between the proposed name or emblem and any name or emblem currently being
776 used by another registered political party.

777 (2) To become a registered political party, an organization of registered voters that is
778 not a continuing political party shall:

779 (a) circulate a petition seeking registered political party status beginning no earlier than
780 the date of the statewide canvass held after the last regular general election and ending no later
781 than [~~November 30~~] February 15 of the year [~~before the year~~] in which the next regular general
782 election will be held;

783 (b) file a petition with the lieutenant governor that is signed, with a holographic
784 signature, by at least 2,000 registered voters on or before [~~November 30~~] February 15 of the
785 year in which a regular general election will be held; and

786 (c) file, with the petition described in Subsection (2)(b), a document certifying:

787 (i) the identity of one or more registered political parties whose members may vote for
788 the organization's candidates; and

789 (ii) whether unaffiliated voters may vote for the organization's candidates[~~; and~~].

790 [~~(iii) whether, for the next election, the organization intends to nominate the~~
791 ~~organization's candidates in accordance with the provisions of Section [20A-9-406](#).]~~

792 (3) The petition shall:

793 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

794 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
795 blank for the purpose of binding;

796 (c) contain the name of the political party and the words "Political Party Registration
797 Petition" printed directly below the horizontal line;

798 (d) contain the word "Warning" printed directly under the words described in
799 Subsection (3)(c);

800 (e) contain, to the right of the word "Warning," the following statement printed in not

801 less than eight-point, single leaded type:

802 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
803 petition signature sheet with any name other than the individual's own name or more than once
804 for the same party or if the individual is not registered to vote in this state and does not intend
805 to become registered to vote in this state before the petition is submitted to the lieutenant
806 governor.";

807 (f) contain the following statement directly under the statement described in Subsection
808 (3)(e):

809 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
810 Lieutenant Governor:

811 We, the undersigned citizens of Utah, seek registered political party status for _____
812 (name);

813 Each signer says:

814 I have personally signed this petition with a holographic signature;

815 I am registered to vote in Utah or will register to vote in Utah before the petition is
816 submitted to the lieutenant governor;

817 I am or desire to become a member of the political party; and

818 My street address is written correctly after my name."; and

819 (g) be vertically divided into columns as follows:

820 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
821 headed with "For Office Use Only," and be subdivided with a light vertical line down the
822 middle;

823 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
824 Name (must be legible to be counted)";

825 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
826 Registered Voter";

827 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

828 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
829 Code"; and

830 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
831 information is not required, but it may be used to verify your identity with voter registration

832 records. If you choose not to provide it, your signature may not be certified as a valid signature
833 if you change your address before petition signatures are certified or if the information you
834 provide does not match your voter registration records.";

835 (h) have a final page bound to one or more signature sheets that are bound together that
836 contains the following printed statement:

837 "Verification
838 State of Utah, County of _____

839 I, _____, of _____, hereby state that:

840 I am a Utah resident and am at least 18 years old;

841 All the names that appear on the signature sheets bound to this page were signed by
842 individuals who professed to be the individuals whose names appear on the signature sheets,
843 and each individual signed the individual's name on the signature sheets in my presence;

844 I believe that each individual has printed and signed the individual's name and written
845 the individual's street address correctly, and that each individual is registered to vote in Utah or
846 will register to vote in Utah before the petition is submitted to the lieutenant governor.

847 _____
848 (Signature) (Residence Address) (Date)"; and

849 (i) be bound to a cover sheet that:

850 (i) identifies the political party's name, which may not exceed four words, and the
851 emblem of the party;

852 (ii) states the process that the organization will follow to organize and adopt a
853 constitution and bylaws; and

854 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
855 the organization.

856 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual
857 in whose presence each signature sheet is signed:

858 (a) is at least 18 years old;

859 (b) meets the residency requirements of Section 20A-2-105; and

860 (c) verifies each signature sheet by completing the verification bound to one or more
861 signature sheets that are bound together.

862 (5) An individual may not sign the verification if the individual signed a signature

863 sheet bound to the verification.

864 (6) The lieutenant governor shall:

865 (a) determine whether the required number of voters appears on the petition;

866 (b) review the proposed name and emblem to determine if they are "distinguishable"

867 from the names and emblems of other registered political parties; and

868 (c) certify the lieutenant governor's findings to the filing officer described in

869 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

870 (7) (a) If the lieutenant governor determines that the petition meets the requirements of

871 this section, and that the proposed name and emblem are distinguishable, the lieutenant

872 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the

873 prospective political party.

874 (b) If the lieutenant governor finds that the name, emblem, or both are not

875 distinguishable from the names and emblems of other registered political parties, the lieutenant

876 governor shall notify the filing officer that the filing officer has seven days to submit a new

877 name or emblem to the lieutenant governor.

878 (8) A registered political party may not change its name or emblem during the regular

879 general election cycle.

880 (9) (a) It is unlawful for an individual to:

881 (i) knowingly sign a political party registration petition:

882 (A) with any name other than the individual's own name;

883 (B) more than once for the same political party; or

884 (C) if the individual is not registered to vote in this state and does not intend to become

885 registered to vote in this state before the petition is submitted to the lieutenant governor; or

886 (ii) sign the verification of a political party registration petition signature sheet if the

887 individual:

888 (A) does not meet the residency requirements of Section [20A-2-105](#);

889 (B) has not witnessed the signing by those individuals whose names appear on the

890 political party registration petition signature sheet; or

891 (C) knows that an individual whose signature appears on the political party registration

892 petition signature sheet is not registered to vote in this state and does not intend to become

893 registered to vote in this state.

894 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

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

896 **20A-9-101. Definitions.**

897 As used in this chapter:

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

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

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

904 (ii) presidential elector;

905 (iii) any political party offices; and

906 (iv) municipal or local district offices.

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

909 [~~(3) "Continuing political party" means the same as that term is defined in Section~~
910 ~~20A-8-101.~~]

911 [~~(4)~~] (3) (a) "County office" means an elective office where the officeholder is selected
912 by voters entirely within one county.

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

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

915 (ii) the office of presidential elector;

916 (iii) any political party offices;

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

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

919 [~~(5)~~] (4) "Federal office" means an elective office for United States Senator and United
920 States Representative.

921 [~~(6)~~] (5) "Filing officer" means:

922 (a) the lieutenant governor, for:

923 (i) an office representing a political division that contains territory

924 in two or more counties;

925 ~~[(i)]~~ (ii) the office of United States Senator and United States Representative; and

926 ~~[(ii)]~~ (iii) all constitutional offices;

927 (b) the county clerk, for county offices and local school district offices~~[- and the county~~

928 ~~clerk in the filer's county of residence, for multicounty offices];~~

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

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

931 ~~[(7)]~~ (6) "Local district office" means an elected office in a local district.

932 ~~[(8)]~~ (7) "Local government office" includes county offices, municipal offices, and

933 local district offices and other elective offices selected by the voters from a political division

934 entirely within one county.

935 ~~[(9)]~~ (8) (a) "Multicounty office" means an elective office where the officeholder is

936 selected by the voters from more than one county.

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

938 (i) a county office;

939 (ii) a federal office;

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

941 (iv) the office of presidential elector;

942 (v) any political party offices; and

943 (vi) any municipal or local district offices.

944 ~~[(10)]~~ (9) "Municipal office" means an elective office in a municipality.

945 ~~[(11)]~~ (10) (a) "Political division" means a geographic unit from which an officeholder

946 is elected and that an officeholder represents.

947 (b) "Political division" includes a county, a city, a town, a local district, a school

948 district, a legislative district, and a county prosecution district.

949 ~~[(12)] "Qualified political party" means a registered political party that:]~~

950 ~~[(a) (i) permits a delegate for the registered political party to vote on a candidate~~

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

952 ~~[(ii) provides a procedure for designating an alternate delegate if a delegate is not~~

953 ~~present at the registered political party's convention;]~~

954 ~~[(b) does not hold the registered political party's convention before the fourth Saturday~~

955 ~~in March of an even-numbered year;]~~

956 ~~[(c) permits a member of the registered political party to seek the registered political~~
 957 ~~party's nomination for any elective office by the member choosing to seek the nomination by~~
 958 ~~either or both of the following methods:]~~

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

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

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

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

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

972 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
 973 **more than one political party prohibited with exceptions -- General filing and form**
 974 **requirements -- Affidavit of impecuniosity.**

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

976 (a) be a United States citizen; and

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

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

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

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

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

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

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

986 (iii) file a declaration of candidacy for a registered political party of which the

987 individual is not a member, except to the extent that the registered political party permits
988 otherwise in the registered political party's bylaws.

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

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

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

999 (3) (a) (i) Except for a candidate for president or vice president of the United States,
1000 before the filing officer may accept any declaration of candidacy, the filing officer shall:

1001 (A) read to the prospective candidate the constitutional and statutory qualification
1002 requirements for the office that the candidate is seeking; and

1003 (B) require the candidate to state whether the candidate meets those requirements.

1004 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
1005 county clerk shall ensure that the person filing that declaration of candidacy is:

1006 (A) a United States citizen;

1007 (B) an attorney licensed to practice law in Utah who is an active member in good
1008 standing of the Utah State Bar;

1009 (C) a registered voter in the county in which the person is seeking office; and

1010 (D) a current resident of the county in which the person is seeking office and either has
1011 been a resident of that county for at least one year or was appointed and is currently serving as
1012 county attorney and became a resident of the county within 30 days after appointment to the
1013 office.

1014 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
1015 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
1016 candidacy is:

1017 (A) a United States citizen;

1018 (B) an attorney licensed to practice law in Utah who is an active member in good
1019 standing of the Utah State Bar;

1020 (C) a registered voter in the prosecution district in which the person is seeking office;
1021 and

1022 (D) a current resident of the prosecution district in which the person is seeking office
1023 and either will have been a resident of that prosecution district for at least one year as of the
1024 date of the election or was appointed and is currently serving as district attorney and became a
1025 resident of the prosecution district within 30 days after receiving appointment to the office.

1026 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
1027 county clerk shall ensure that the person filing the declaration of candidacy:

1028 (A) as of the date of filing:

1029 (I) is a United States citizen;

1030 (II) is a registered voter in the county in which the person seeks office;

1031 (III) (Aa) has successfully met the standards and training requirements established for
1032 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
1033 Certification Act; or

1034 (Bb) has met the waiver requirements in Section 53-6-206; and

1035 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
1036 53-13-103; and

1037 (B) as of the date of the election, shall have been a resident of the county in which the
1038 person seeks office for at least one year.

1039 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant
1040 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
1041 Education member, the filing officer shall ensure:

1042 (A) that the person filing the declaration of candidacy also files the financial disclosure
1043 required by Section 20A-11-1603; and

1044 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
1045 provided to the lieutenant governor according to the procedures and requirements of Section
1046 20A-11-1603.

1047 (b) If the prospective candidate states that the qualification requirements for the office
1048 are not met, the filing officer may not accept the prospective candidate's declaration of

1049 candidacy.

1050 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
1051 requirements of candidacy are met, the filing officer shall:

1052 (i) inform the candidate that:

1053 (A) the candidate's name will appear on the ballot as the candidate's name is written on
1054 the declaration of candidacy;

1055 (B) the candidate may be required to comply with state or local campaign finance
1056 disclosure laws; and

1057 (C) the candidate is required to file a financial statement before the candidate's political
1058 convention under:

1059 (I) Section [20A-11-204](#) for a candidate for constitutional office;

1060 (II) Section [20A-11-303](#) for a candidate for the Legislature; or

1061 (III) local campaign finance disclosure laws, if applicable;

1062 (ii) except for a presidential candidate, provide the candidate with a copy of the current
1063 campaign financial disclosure laws for the office the candidate is seeking and inform the
1064 candidate that failure to comply will result in disqualification as a candidate and removal of the
1065 candidate's name from the ballot;

1066 (iii) provide the candidate with a copy of Section [20A-7-801](#) regarding the Statewide
1067 Electronic Voter Information Website Program and inform the candidate of the submission
1068 deadline under Subsection [20A-7-801\(4\)\(a\)](#);

1069 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1070 described under Section [20A-9-206](#) and inform the candidate that:

1071 (A) signing the pledge is voluntary; and

1072 (B) signed pledges shall be filed with the filing officer;

1073 (v) accept the candidate's declaration of candidacy; and

1074 (vi) if the candidate has filed for a partisan office, provide a certified copy of the
1075 declaration of candidacy to the chair of the county or state political party of which the
1076 candidate is a member.

1077 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1078 officer shall:

1079 (i) accept the candidate's pledge; and

1080 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1081 candidate's pledge to the chair of the county or state political party of which the candidate is a
1082 member.

1083 (4) (a) Except for a candidate for president or vice president of the United States, the
1084 form of the declaration of candidacy shall~~[-(i)]~~ be substantially as follows:

1085 "State of Utah, County of ____
1086 I, _____, declare my ~~[candidacy]~~ intention of becoming a candidate
1087 for the office of _____, ~~[seeking the nomination of]~~ as a candidate for the _____ party. I
1088 do solemnly swear that: I will meet the qualifications to hold the office, both legally and
1089 constitutionally, if selected; I reside at _____ in the City or Town of _____,
1090 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
1091 campaigns and elections; I will file all campaign financial disclosure reports as required
1092 by law; and I understand that failure to do so will result in my disqualification as a
1093 candidate for this office and removal of my name from the ballot. The mailing address
1094 that I designate for receiving official election notices is
1095 _____.

1096 _____
1097 Subscribed and sworn before me this _____ (month\day\year).

1098 Notary Public (or other officer qualified to administer oath)."~~[-and]~~

1099 ~~[(ii) require the candidate to state, in the sworn statement described in Subsection~~
1100 ~~(4)(a)(i):]~~

1101 ~~[(A) the registered political party of which the candidate is a member; or]~~

1102 ~~[(B) that the candidate is not a member of a registered political party.]~~

1103 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202
1104 may not sign the form described in Subsection (4)(a).

1105 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
1106 is:

1107 (i) \$50 for candidates for the local school district board; and

1108 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
1109 person holding the office for all other federal, state, and county offices.

1110 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

1111 any candidate:

1112 (i) who is disqualified; or

1113 (ii) who the filing officer determines has filed improperly.

1114 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
1115 from candidates.

1116 (ii) The lieutenant governor shall:

1117 (A) apportion to and pay to the county treasurers of the various counties all fees
1118 received for filing of nomination certificates or acceptances; and

1119 (B) ensure that each county receives that proportion of the total amount paid to the
1120 lieutenant governor from the congressional district that the total vote of that county for all
1121 candidates for representative in Congress bears to the total vote of all counties within the
1122 congressional district for all candidates for representative in Congress.

1123 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
1124 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
1125 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
1126 a financial statement filed at the time the affidavit is submitted.

1127 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1128 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
1129 statement filed under this section shall be subject to the criminal penalties provided under
1130 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1131 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be
1132 considered an offense under this title for the purposes of assessing the penalties provided in
1133 Subsection 20A-1-609(2).

1134 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
1135 substantially the following form:

1136 "Affidavit of Impecuniosity

1137 Individual Name

1138 _____ Address _____

1139 Phone Number _____

1140 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
1141 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by

1142 law.
1143 Date _____ Signature _____

1144 Affiant

1145 Subscribed and sworn to before me on _____ (month\day\year)

1146 _____
1147 (signature)

1148 Name and Title of Officer Authorized to Administer Oath _____"

1149 (v) The filing officer shall provide to a person who requests an affidavit of
1150 impecuniosity a statement printed in substantially the following form, which may be included
1151 on the affidavit of impecuniosity:

1152 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1153 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1154 penalties, will be removed from the ballot."

1155 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1156 under this Subsection (5)(d) file a financial statement on a form prepared by the election
1157 official.

1158 (6) (a) If there is no legislative appropriation for the Western States Presidential
1159 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
1160 president of the United States who is affiliated with a registered political party and chooses to
1161 participate in the regular primary election shall:

1162 (i) file a declaration of candidacy, in person or via a designated agent, with the
1163 lieutenant governor:

1164 (A) on a form developed and provided by the lieutenant governor; and

1165 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
1166 March before the next regular primary election;

1167 (ii) identify the registered political party whose nomination the candidate is seeking;

1168 (iii) provide a letter from the registered political party certifying that the candidate may
1169 participate as a candidate for that party in that party's presidential primary election; and

1170 (iv) pay the filing fee of \$500.

1171 (b) An agent designated to file a declaration of candidacy may not sign the form
1172 described in Subsection (6)(a)(i)(A).

1173 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
1174 within the time provided in this chapter is ineligible for nomination to office.

1175 (8) A declaration of candidacy filed under this section may not be amended or
1176 modified after the final date established for filing a declaration of candidacy.

1177 Section 13. Section **20A-9-202** is amended to read:

1178 **20A-9-202. Declarations of candidacy for regular general elections.**

1179 (1) (a) Each person seeking to become a candidate for an elective office that is to be
1180 filled at the next regular general election shall:

1181 (i) file a declaration of candidacy in person with the filing officer:

1182 (A) on or after January 1 of the regular general election year~~[, and,]~~;

1183 (B) if applicable, before the candidate circulates nomination petitions under Section
1184 [20A-9-405](#); and

1185 (C) before 5 p.m. on the third Thursday in March before the next regular general
1186 election; and

1187 (ii) pay the filing fee.

1188 (b) Each county clerk who receives a declaration of candidacy from a candidate for
1189 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
1190 candidacy to the lieutenant governor within one working day after it is filed.

1191 (c) Each day during the filing period, each county clerk shall notify the lieutenant
1192 governor electronically or by telephone of candidates who have filed in their office.

1193 (d) Each person seeking the office of lieutenant governor, the office of district attorney,
1194 or the office of president or vice president of the United States shall comply with the specific
1195 declaration of candidacy requirements established by this section.

1196 (2) (a) Each person intending to become a candidate for the office of district attorney
1197 within a multicounty prosecution district that is to be filled at the next regular general election
1198 shall:

1199 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1200 creating the prosecution district on or after January 1 of the regular general election year, and
1201 before the candidate circulates nomination petitions under Section [20A-9-405](#); and

1202 (ii) pay the filing fee.

1203 (b) The designated clerk shall provide to the county clerk of each county in the

1204 prosecution district a certified copy of each declaration of candidacy filed for the office of
1205 district attorney.

1206 (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each
1207 lieutenant governor candidate shall:

1208 (i) file a declaration of candidacy with the lieutenant governor;

1209 (ii) pay the filing fee; and

1210 (iii) submit a letter from a candidate for governor who has received certification for the
1211 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
1212 as a joint-ticket running mate.

1213 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
1214 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
1215 candidate.

1216 (4) On or before August 31, each registered political party shall:

1217 (a) certify the names of its candidates for president and vice president of the United
1218 States to the lieutenant governor; or

1219 (b) provide written authorization for the lieutenant governor to accept the certification
1220 of candidates for president and vice president of the United States from the national office of
1221 the registered political party.

1222 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1223 objection is filed with the clerk or lieutenant governor within five days after the last day for
1224 filing.

1225 (b) If an objection is made, the clerk or lieutenant governor shall:

1226 (i) mail or personally deliver notice of the objection to the affected candidate
1227 immediately; and

1228 (ii) decide any objection within 48 hours after it is filed.

1229 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1230 problem by amending the declaration or petition within three days after the objection is
1231 sustained or by filing a new declaration within three days after the objection is sustained.

1232 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1233 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1234 by a district court if prompt application is made to the court.

1235 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1236 of its discretion, agrees to review the lower court decision.

1237 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1238 filing a written affidavit with the clerk.

1239 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
1240 in this section to file a declaration of candidacy in person, a person may designate an agent to
1241 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

1242 (a) the person is located outside the state during the filing period because:

1243 (i) of employment with the state or the United States; or

1244 (ii) the person is a member of:

1245 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1246 Coast Guard of the United States who is on active duty;

1247 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1248 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1249 States; or

1250 (C) the National Guard on activated status;

1251 (b) the person communicates with the filing officer using an electronic device that
1252 allows the person and filing officer to see and hear each other; and

1253 (c) the person provides the filing officer with an email address to which the filing
1254 officer may send the copies described in Subsection 20A-9-201(3).

1255 (8) (a) Except for a candidate who is certified by a registered political party under
1256 Subsection (4), and except as provided in Section 20A-9-504, on or before August 31 of a
1257 general election year, each individual running as a candidate for vice president of the United
1258 States shall:

1259 (i) file a declaration of candidacy, in person or via designated agent, on a form
1260 developed by the lieutenant governor, that:

1261 (A) contains the individual's name, address, and telephone number;

1262 (B) states that the individual meets the qualifications for the office of vice president of
1263 the United States;

1264 (C) names the presidential candidate, who has qualified for the general election ballot,
1265 with which the individual is running as a joint-ticket running mate;

1266 (D) states that the individual agrees to be the running mate of the presidential candidate
1267 described in Subsection (8)(a)(i)(C); and

1268 (E) contains any other necessary information identified by the lieutenant governor;

1269 (ii) pay the filing fee, if applicable; and

1270 (iii) submit a letter from the presidential candidate described in Subsection (8)(a)(i)(C)
1271 that names the individual as a joint-ticket running mate as a vice presidential candidate.

1272 (b) A designated agent described in Subsection (8)(a)(i) may not sign the declaration of
1273 candidacy.

1274 (c) A vice presidential candidate who fails to meet the requirements described in this
1275 Subsection (8) may not appear on the general election ballot.

1276 Section 14. Section **20A-9-203** is amended to read:

1277 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1278 (1) An individual may become a candidate for any municipal office if:

1279 (a) the individual is a registered voter; and

1280 (b) (i) the individual has resided within the municipality in which the individual seeks
1281 to hold elective office for the 12 consecutive months immediately before the date of the
1282 election; or

1283 (ii) the territory in which the individual resides was annexed into the municipality, the
1284 individual has resided within the annexed territory or the municipality the 12 consecutive
1285 months immediately before the date of the election.

1286 (2) (a) For purposes of determining whether an individual meets the residency
1287 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
1288 before the election, the municipality is considered to have been incorporated 12 months before
1289 the date of the election.

1290 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
1291 council position shall, if elected from a district, be a resident of the council district from which
1292 the candidate is elected.

1293 (c) In accordance with Utah Constitution, Article IV, Section 6, any mentally
1294 incompetent person, any person convicted of a felony, or any person convicted of treason or a
1295 crime against the elective franchise may not hold office in this state until the right to hold
1296 elective office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

1297 (3) (a) An individual seeking to become a candidate for a municipal office shall[-
1298 regardless of the nomination method by which the individual is seeking to become a
1299 candidate]:

1300 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
1301 the office hours described in Section 10-3-301 and not later than the close of those office
1302 hours, between June 1 and June 7 of any odd-numbered year; and

1303 (ii) pay the filing fee, if one is required by municipal ordinance.

1304 (b) Any resident of a municipality may nominate a candidate for a municipal office by:

1305 (i) filing a nomination petition with the city recorder or town clerk during the office
1306 hours described in Section 10-3-301 and not later than the close of those office hours, between
1307 June 1 and June 7 of any odd-numbered year; and

1308 (ii) paying the filing fee, if one is required by municipal ordinance.

1309 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
1310 petition, the filing officer shall:

1311 (i) read to the prospective candidate or individual filing the petition the constitutional
1312 and statutory qualification requirements for the office that the candidate is seeking; and

1313 (ii) require the candidate or individual filing the petition to state whether the candidate
1314 meets those requirements.

1315 (b) If the prospective candidate does not meet the qualification requirements for the
1316 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1317 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1318 filing officer shall:

1319 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1320 written on the declaration of candidacy;

1321 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
1322 for the office the candidate is seeking and inform the candidate that failure to comply will
1323 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1324 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1325 Electronic Voter Information Website Program and inform the candidate of the submission
1326 deadline under Subsection 20A-7-801(4)(a);

1327 (iv) provide the candidate with a copy of the pledge of fair campaign practices

1328 described under Section 20A-9-206 and inform the candidate that:

1329 (A) signing the pledge is voluntary; and

1330 (B) signed pledges shall be filed with the filing officer; and

1331 (v) accept the declaration of candidacy or nomination petition.

1332 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1333 officer shall:

1334 (i) accept the candidate's pledge; and

1335 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1336 candidate's pledge to the chair of the county or state political party of which the candidate is a
1337 member.

1338 (5) Notwithstanding the requirement in Subsection (3)(a)(i) to file a declaration of
1339 candidacy in person, an individual may designate an agent to file the form described in
1340 Subsection (6) in person with the city recorder or town clerk if:

1341 (a) the individual is located outside the state during the filing period because:

1342 (i) of employment with the state or the United States; or

1343 (ii) the individual is a member of:

1344 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1345 Coast Guard of the United States who is on active duty;

1346 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1347 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1348 States; or

1349 (C) the National Guard on activated status;

1350 (b) the individual makes the declaration of candidacy described in Subsection (6) to an
1351 individual qualified to administer an oath;

1352 (c) the individual communicates with the city recorder or town clerk using an
1353 electronic device that allows the individual and the city recorder or town clerk to see and hear
1354 each other; and

1355 (d) the individual provides the city recorder or town clerk with an email address to
1356 which the filing officer may send the copies described in Subsection (4).

1357 (6) (a) The declaration of candidacy shall substantially comply with the following
1358 form:

1359 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
 1360 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
 1361 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
 1362 the legal qualifications required of candidates for this office. I will file all campaign financial
 1363 disclosure reports as required by law and I understand that failure to do so will result in my
 1364 disqualification as a candidate for this office and removal of my name from the ballot. I
 1365 request that my name be printed upon the applicable official ballots. (Signed)

1366 _____
 1367 Subscribed and sworn to (or affirmed) before me by _____ on this
 1368 _____(month\day\year).

1369 (Signed) _____ (Clerk or other officer qualified to administer oath)".

1370 (b) An agent designated to file a declaration of candidacy under Subsection (5) may not
 1371 sign the form described in Subsection (6)(a).

1372 (7) (a) A registered voter may be nominated for municipal office by submitting a
 1373 petition signed, with a holographic signature, by:

- 1374 (i) 25 residents of the municipality who are at least 18 years old; or
- 1375 (ii) 20% of the residents of the municipality who are at least 18 years old.

1376 (b) (i) The petition shall substantially conform to the following form:

1377 "NOMINATION PETITION

1378 The undersigned residents of (name of municipality) being 18 years old or older
 1379 nominate (name of nominee) to the office of _____ for the (two or four-year term, whichever is
 1380 applicable)."

1381 (ii) The remainder of the petition shall contain lines and columns for the signatures of
 1382 individuals signing the petition and the individuals' addresses and telephone numbers.

1383 (8) If the declaration of candidacy or nomination petition fails to state whether the
 1384 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
 1385 for the four-year term.

1386 (9) (a) The clerk shall verify with the county clerk that all candidates are registered
 1387 voters.

1388 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
 1389 print the candidate's name on the ballot.

1390 (10) Immediately after expiration of the period for filing a declaration of candidacy, the
1391 clerk shall:

1392 (a) cause the names of the candidates as they will appear on the ballot to be published:

1393 (i) in at least two successive publications of a newspaper with general circulation in the
1394 municipality; and

1395 (ii) as required in Section 45-1-101; and

1396 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1397 the ballot.

1398 (11) A declaration of candidacy or nomination petition filed under this section may not
1399 be amended after the expiration of the period for filing a declaration of candidacy.

1400 (12) (a) A declaration of candidacy or nomination petition filed under this section is
1401 valid unless a written objection is filed with the clerk within five days after the last day for
1402 filing.

1403 (b) If an objection is made, the clerk shall:

1404 (i) mail or personally deliver notice of the objection to the affected candidate
1405 immediately; and

1406 (ii) decide any objection within 48 hours after the objection is filed.

1407 (c) If the clerk sustains the objection, the candidate may correct the problem by
1408 amending the declaration or petition within three days after the objection is sustained or by
1409 filing a new declaration within three days after the objection is sustained.

1410 (d) (i) The clerk's decision upon objections to form is final.

1411 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1412 prompt application is made to the district court.

1413 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1414 of its discretion, agrees to review the lower court decision.

1415 (13) An individual who files a declaration of candidacy and is nominated, and an
1416 individual who is nominated by a nomination petition, may, any time up to 23 days before the
1417 election, withdraw the nomination by filing a written affidavit with the clerk.

1418 Section 15. Section 20A-9-403 is amended to read:

1419 **20A-9-403. Regular primary elections.**

1420 (1) (a) Candidates for elective office that are to be filled at the next regular general

1421 election shall be nominated in a regular primary election by direct vote of the people in the
1422 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
1423 designated as regular primary election day. Nothing in this section shall affect a candidate's
1424 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
1425 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
1426 Section 20A-9-601.

1427 ~~[(b) Each registered political party that chooses to have the names of the registered~~
1428 ~~political party's candidates for elective office featured with party affiliation on the ballot at a~~
1429 ~~regular general election shall comply with the requirements of this section and shall nominate~~
1430 ~~the registered political party's candidates for elective office in the manner described in this~~
1431 ~~section.]~~

1432 ~~[(e)]~~ (b) A filing officer may not permit an official ballot at a regular general election
1433 to be produced or used if the ballot denotes affiliation between a registered political party or
1434 any other political group and a candidate for elective office who is not nominated in the manner
1435 prescribed in this section or in Subsection 20A-9-202(4).

1436 ~~[(d)]~~ (c) Unless noted otherwise, the dates in this section refer to those that occur in
1437 each even-numbered year in which a regular general election will be held.

1438 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
1439 shall:

1440 (i) either declare the registered political party's intent to participate in the next regular
1441 primary election or declare that the registered political party chooses not to have the names of
1442 the registered political party's candidates for elective office featured on the ballot at the next
1443 regular general election; and

1444 (ii) if the registered political party participates in the upcoming regular primary
1445 election, identify one or more registered political parties whose members may vote for the
1446 registered political party's candidates and whether individuals identified as unaffiliated with a
1447 political party may vote for the registered political party's candidates.

1448 (b) (i) A registered political party that is a continuing political party shall file the
1449 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1450 November 30 of each odd-numbered year.

1451 (ii) An organization that is seeking to become a registered political party under Section

1452 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
1453 political party files the petition described in Section 20A-8-103.

1454 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
1455 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
1456 office on the regular primary ballot of the registered political party listed on the declaration of
1457 candidacy only if the individual is certified by the appropriate filing officer as having submitted
1458 a set of nomination petitions that was:

1459 (i) circulated and completed in accordance with Section 20A-9-405; and

1460 (ii) signed by at least 2% of the registered political party's members who reside in the
1461 political division of the office that the individual seeks.

1462 (b) (i) A candidate for elective office shall submit nomination petitions to the
1463 appropriate filing officer for verification and certification no later than 5 p.m. on the [~~final day~~
1464 ~~in March~~] second Friday in April.

1465 (ii) A candidate may supplement the candidate's submissions at any time on or before
1466 the filing deadline.

1467 (c) (i) The lieutenant governor shall determine for each elective office the total number
1468 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
1469 number of individuals residing in each elective office's political division who have designated a
1470 particular registered political party on the individuals' voter registration forms on or before
1471 November 15 of each odd-numbered year.

1472 (ii) The lieutenant governor shall publish the determination for each elective office no
1473 later than November 30 of each odd-numbered year.

1474 (d) The filing officer shall:

1475 (i) verify signatures on nomination petitions in a transparent and orderly manner;

1476 (ii) for all qualifying candidates for elective office who submit nomination petitions to
1477 the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the
1478 [~~first Monday after the third Saturday~~] fourth Friday in April;

1479 (iii) consider active and inactive voters eligible to sign nomination petitions;

1480 (iv) consider an individual who signs a nomination petition a member of a registered
1481 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
1482 registered political party as the individual's party membership on the individual's voter

1483 registration form; and

1484 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1485 petition signatures, or use statistical sampling procedures to verify submitted nomination
1486 petition signatures in accordance with rules made under Subsection (3)(f).

1487 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1488 lieutenant governor may appear on the regular primary ballot of a registered political party
1489 without submitting nomination petitions if the candidate files a declaration of candidacy and
1490 complies with Subsection 20A-9-202(3).

1491 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1492 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

1493 (i) provide for the use of statistical sampling procedures that:

1494 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1495 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1496 submission, using widely recognized statistical sampling techniques; and

1497 (ii) provide for the transparent, orderly, and timely submission, verification, and
1498 certification of nomination petition signatures.

1499 (g) The county clerk shall:

1500 (i) review the declarations of candidacy filed by candidates for local boards of
1501 education to determine if more than two candidates have filed for the same seat;

1502 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1503 local board of education seat on the nonpartisan section of the ballot if more than two
1504 candidates have filed for the same seat; and

1505 (iii) determine the order of the local board of education candidates' names on the ballot
1506 in accordance with Section 20A-6-305.

1507 (4) (a) [~~By 5 p.m. on~~] On the first [~~Wednesday~~] Monday after the [~~third~~] fourth
1508 Saturday in April, the lieutenant governor shall provide to the county clerks:

1509 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
1510 county, and county offices who have received certifications under Subsection (3), along with
1511 instructions on how those names shall appear on the primary election ballot in accordance with
1512 Section 20A-6-305; and

1513 (ii) a list of unopposed candidates for elective office who have been nominated by a

1514 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
1515 unopposed candidates from the primary election ballot.

1516 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1517 joint-ticket running mates shall appear jointly on the primary election ballot.

1518 (c) After the county clerk receives the certified list from the lieutenant governor under
1519 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1520 substantially the following form:

1521 "Notice is given that a primary election will be held Tuesday, June ____,
1522 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1523 local school board positions listed on the primary ballot. The polling place for voting precinct
1524 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1525 Attest: county clerk."

1526 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary
1527 election, receives the highest number of votes cast for the office sought by the candidate is:

- 1528 (i) nominated for that office by the candidate's registered political party; or
- 1529 (ii) for a nonpartisan local school board position, nominated for that office.

1530 (b) If two or more candidates, other than presidential candidates, are to be elected to
1531 the office at the regular general election, those party candidates equal in number to positions to
1532 be filled who receive the highest number of votes at the regular primary election are the
1533 nominees of the candidates' party for those positions.

1534 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1535 (A) no individual other than the candidate receives a certification under Subsection (3)
1536 for the regular primary election ballot of the candidate's registered political party for a
1537 particular elective office; or

1538 (B) for an office where more than one individual is to be elected or nominated, the
1539 number of candidates who receive certification under Subsection (3) for the regular primary
1540 election of the candidate's registered political party does not exceed the total number of
1541 candidates to be elected or nominated for that office.

1542 (ii) A candidate who is unopposed for an elective office in the regular primary election
1543 of a registered political party is nominated by the party for that office without appearing on the
1544 primary election ballot.

1545 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1546 office that represents more than one county, the governor, lieutenant governor, and attorney
1547 general shall, at a public meeting called by the governor and in the presence of the candidates
1548 involved, select the nominee by lot cast in whatever manner the governor determines.

1549 (b) When a tie vote occurs in any primary election for any county office, the district
1550 court judges of the district in which the county is located shall, at a public meeting called by
1551 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1552 whatever manner the judges determine.

1553 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1554 primary election provided for by this section, and all expenses necessarily incurred in the
1555 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1556 county or state, in the same manner as for the regular general elections.

1557 (8) An individual may not file a declaration of candidacy for a registered political party
1558 of which the individual is not a member, except to the extent that the registered political party
1559 permits otherwise under the registered political party's bylaws.

1560 Section 16. Section **20A-9-404** is amended to read:

1561 **20A-9-404. Municipal primary elections.**

1562 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
1563 all municipalities shall be nominated at a municipal primary election.

1564 (b) Municipal primary elections shall be held:

1565 (i) consistent with Section [20A-1-201.5](#), on the second Tuesday following the first
1566 Monday in the August before the regular municipal election; and

1567 (ii) whenever possible, at the same polling places as the regular municipal election.

1568 (2) If the number of candidates for a particular municipal office does not exceed twice
1569 the number of individuals needed to fill that office, a primary election for that office may not
1570 be held and the candidates are considered nominated.

1571 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1572 of voters or delegates.

1573 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1574 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1575 by providing that the nomination of candidates for municipal office to be voted upon at a

1576 municipal election be nominated by a political party convention or committee.

1577 (ii) Any primary election exemption ordinance adopted under the authority of this
1578 Subsection (3) remains in effect until repealed by ordinance.

1579 (c) (i) A convention or committee may not nominate~~[(A) an individual who has not~~
1580 ~~submitted a declaration of candidacy, or has not been nominated by a nomination petition,~~
1581 ~~under Section 20A-9-203; or (B)]~~ more than one group of candidates, or have placed on the
1582 ballot more than one group of candidates, for the municipal offices to be voted upon at the
1583 municipal election.

1584 (ii) A convention or committee may nominate an individual who has been nominated
1585 by a different convention or committee.

1586 (iii) A political party may not have more than one group of candidates placed upon the
1587 ballot and may not group the same candidates on different tickets by the same party under a
1588 different name or emblem.

1589 (d) (i) The convention or committee shall prepare a certificate of nomination for each
1590 individual nominated.

1591 (ii) The certificate of nomination shall:

1592 (A) contain the name of the office for which each individual is nominated, the name,
1593 post office address, and, if in a city, the street number of residence and place of business, if
1594 any, of each individual nominated;

1595 (B) designate in not more than five words the political party that the convention or
1596 committee represents;

1597 (C) contain a copy of the resolution passed at the convention that authorized the
1598 committee to make the nomination;

1599 (D) contain a statement certifying that the name of the candidate nominated by the
1600 political party will not appear on the ballot as a candidate for any other political party;

1601 (E) be signed by the presiding officer and secretary of the convention or committee;
1602 and

1603 (F) contain a statement identifying the residence and post office address of the
1604 presiding officer and secretary and certifying that the presiding officer and secretary were
1605 officers of the convention or committee and that the certificates are true to the best of their
1606 knowledge and belief.

1607 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
1608 before the municipal general election.

1609 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1610 may also make nominations or fill vacancies in nominations made at a convention.

1611 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1612 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1613 be included with the candidate's name.

1614 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
1615 that falls before the regular municipal election that:

1616 (i) exempts the city from the other methods of nominating candidates to municipal
1617 office provided in this section; and

1618 (ii) provides for a partisan primary election method of nominating candidates as
1619 provided in this Subsection (4).

1620 (b) (i) Any party that was a registered political party at the last regular general election
1621 or regular municipal election is a municipal political party under this section.

1622 (ii) Any political party may qualify as a municipal political party by presenting a
1623 petition to the city recorder that:

1624 (A) is signed, with a holographic signature, by registered voters within the municipality
1625 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1626 municipal election at which a mayor was elected;

1627 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1628 (C) is substantially similar to the form of the signature sheets described in Section
1629 [20A-7-303](#); and

1630 (D) contains the name of the municipal political party using not more than five words.

1631 (c) (i) If the number of candidates for a particular office does not exceed twice the
1632 number of offices to be filled at the regular municipal election, no partisan primary election for
1633 that office shall be held and the candidates are considered to be nominated.

1634 (ii) If the number of candidates for a particular office exceeds twice the number of
1635 offices to be filled at the regular municipal election, those candidates for municipal office shall
1636 be nominated at a partisan primary election.

1637 (d) The clerk shall ensure that:

- 1638 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1639 Sections [20A-6-401](#) and [20A-6-401.1](#);
- 1640 (ii) the candidates for each municipal political party are listed in one or more columns
1641 under their party name and emblem;
- 1642 (iii) the names of candidates of all parties are printed on the same ballot, but under
1643 their party designation;
- 1644 (iv) every ballot is folded and perforated in a manner that separates the candidates of
1645 one party from those of the other parties and enables the voter to separate the part of the ballot
1646 containing the names of the party of the voter's choice from the remainder of the ballot; and
- 1647 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
1648 when detached, are similar in appearance to inside sections when detached.
- 1649 (e) After marking a municipal primary ballot, the voter shall:
- 1650 (i) detach the part of the ballot containing the names of the candidates of the party the
1651 voter has voted from the rest of the ballot;
- 1652 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
1653 and
- 1654 (iii) fold the remainder of the ballot containing the names of the candidates of the
1655 parties for whom the elector did not vote and deposit it in the blank ballot box.
- 1656 (f) Immediately after the canvass, the election judges shall, without examination,
1657 destroy the tickets deposited in the blank ballot box.

1658 Section 17. Section [20A-9-406.5](#) is enacted to read:

1659 **20A-9-406.5. Candidate's right to placement on ballot.**

- 1660 (1) As used in this section, "valid candidate" means a candidate who lawfully files a
1661 declaration of candidacy to seek nomination to run for office as a member of a political party
1662 that certifies as a qualified political party under Subsection [20A-9-101\(12\)\(d\)](#).
- 1663 (2) If a political party that provides the certification described in Subsection
1664 [20A-9-101\(12\)\(d\)](#) takes any action to prevent an individual from seeking nomination by
1665 gathering signatures under Section [20A-9-408](#), the lieutenant governor may not refuse to place
1666 a nominee of the political party, who is selected at the political party's convention, or who
1667 qualifies for the ballot by collecting signatures, on the primary election ballot or the general
1668 election ballot, as applicable.

1669 (3) If a person brings a legal action claiming that a political party has taken the action
1670 described in Subsection (2), the legal action may not result in prohibiting placement of a
1671 nominee of the political party, who is selected at the political party's convention, or who
1672 qualifies for the ballot by collecting signatures, on the primary election ballot or the general
1673 election ballot, as applicable.

1674 Section 18. Section **20A-9-408** is amended to read:

1675 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
1676 **political party.**

1677 (1) This section describes the requirements for a member of a qualified political party
1678 who is seeking the nomination of the qualified political party for an elective office through the
1679 signature-gathering process described in this section.

1680 (2) Notwithstanding Subsection **20A-9-201(4)(a)**, the form of the declaration of
1681 candidacy for a member of a qualified political party who is nominated by, or who is seeking
1682 the nomination of, the qualified political party under this section shall be substantially as
1683 described in Section **20A-9-408.5**.

1684 (3) Notwithstanding Subsection **20A-9-202(1)(a)**, and except as provided in Subsection
1685 **20A-9-202(4)**, a member of a qualified political party who, under this section, is seeking the
1686 nomination of the qualified political party for an elective office that is to be filled at the next
1687 general election shall:

1688 (a) within the period beginning on [~~January 1 before the next regular general election~~
1689 ~~and ending on the third Thursday in March]~~ the first business day in January of an
1690 even-numbered year and ending at 5 p.m. on the fifth business day in January of the same year,
1691 and before gathering signatures under this section, file with the filing officer on a form
1692 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that
1693 includes:

1694 (i) the name of the member who will attempt to become a candidate for a registered
1695 political party under this section;

1696 (ii) the name of the registered political party for which the member is seeking
1697 nomination;

1698 (iii) the office for which the member is seeking to become a candidate;

1699 (iv) the address and telephone number of the member; and

1700 (v) other information required by the lieutenant governor;
1701 (b) file a declaration of candidacy, in person, with the filing officer on or after the
1702 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1703 regular general election; and
1704 (c) pay the filing fee.
1705 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
1706 party who, under this section, is seeking the nomination of the qualified political party for the
1707 office of district attorney within a multicounty prosecution district that is to be filled at the next
1708 general election shall:
1709 (a) ~~[on or after January 1 before the next regular general election, and before gathering~~
1710 ~~signatures under this section]~~ within the period beginning on the first business day in January
1711 of an even-numbered year and ending on the fifth business day in January of the same year, file
1712 with the filing officer on a form approved by the lieutenant governor a notice of intent to gather
1713 signatures for candidacy that includes:
1714 (i) the name of the member who will attempt to become a candidate for a registered
1715 political party under this section;
1716 (ii) the name of the registered political party for which the member is seeking
1717 nomination;
1718 (iii) the office for which the member is seeking to become a candidate;
1719 (iv) the address and telephone number of the member; and
1720 (v) other information required by the lieutenant governor;
1721 (b) file a declaration of candidacy, in person, with the filing officer on or after the
1722 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1723 regular general election; and
1724 (c) pay the filing fee.
1725 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
1726 who files as the joint-ticket running mate of an individual who is nominated by a qualified
1727 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
1728 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
1729 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
1730 running mate.

1731 (6) The lieutenant governor shall ensure that the certification described in Subsection
1732 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1733 under this section.

1734 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1735 is nominated by a qualified political party under this section, designate the qualified political
1736 party that nominated the candidate.

1737 (8) A member of a qualified political party may seek the nomination of the qualified
1738 political party for an elective office by:

1739 (a) complying with the requirements described in this section; and

1740 (b) collecting signatures, on a form approved by the lieutenant governor, during the
1741 period beginning on [~~January 1~~] the first business day in January of an even-numbered year and
1742 ending [~~14 days before the day on which the qualified political party's convention for the office~~
1743 ~~is held~~] at 5 p.m. on the second Friday in April, in the following amounts:

1744 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1745 permitted by the qualified political party to vote for the qualified political party's candidates in
1746 a primary election;

1747 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1748 residents of the congressional district and are permitted by the qualified political party to vote
1749 for the qualified political party's candidates in a primary election;

1750 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1751 residents of the state Senate district and are permitted by the qualified political party to vote for
1752 the qualified political party's candidates in a primary election;

1753 (iv) for a state House district race, 1,000 signatures of registered voters who are
1754 residents of the state House district and are permitted by the qualified political party to vote for
1755 the qualified political party's candidates in a primary election;

1756 (v) for a State Board of Education race, the lesser of:

1757 (A) 2,000 signatures of registered voters who are residents of the State Board of
1758 Education district and are permitted by the qualified political party to vote for the qualified
1759 political party's candidates in a primary election; or

1760 (B) 3% of the registered voters of the qualified political party who are residents of the
1761 applicable State Board of Education district; and

1762 (vi) for a county office race, signatures of 3% of the registered voters who are residents
1763 of the area permitted to vote for the county office and are permitted by the qualified political
1764 party to vote for the qualified political party's candidates in a primary election.

1765 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1766 for the qualified political party's nomination for an elective office under this section, the
1767 member shall:

1768 (i) collect the signatures on a form approved by the lieutenant governor, using the same
1769 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

1770 (ii) submit the signatures to the election officer no later than 14 days before the day on
1771 which the qualified political party holds its convention to select candidates, for the elective
1772 office, for the qualified political party's nomination.

1773 (b) An individual may not gather signatures under this section until after the individual
1774 files a notice of intent to gather signatures for candidacy described in this section.

1775 (c) An individual who files a notice of intent to gather signatures for candidacy,
1776 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1777 the notice of intent to gather signatures for candidacy:

1778 (i) required to comply with the reporting requirements that a candidate for office is
1779 required to comply with; and

1780 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1781 apply to a candidate for office in relation to the reporting requirements described in Subsection
1782 (9)(c)(i).

1783 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1784 election officer shall, no later than one day before the day on which the qualified political party
1785 holds the convention to select a nominee for the elective office to which the signature packets
1786 relate:

1787 (i) check the name of each individual who completes the verification for a signature
1788 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1789 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1790 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1791 (iii) determine whether each signer is a registered voter who is qualified to sign the
1792 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature

1793 on a petition;

1794 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1795 signature packet; and

1796 (v) notify the qualified political party and the lieutenant governor of the name of each
1797 member of the qualified political party who qualifies as a nominee of the qualified political
1798 party, under this section, for the elective office to which the convention relates.

1799 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1800 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1801 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1802 posts a declaration of candidacy.

1803 Section 19. Section **20A-9-409** is amended to read:

1804 **20A-9-409. Primary election provisions relating to qualified political party.**

1805 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
1806 primary election day.

1807 (2) (a) A qualified political party that nominates one or more candidates for an elective
1808 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that
1809 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election
1810 for that office.

1811 (b) A qualified political party that has only one candidate qualify as a candidate for an
1812 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1813 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for
1814 that office.

1815 (c) A qualified political party that nominates one or more candidates for an elective
1816 office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that
1817 office under Section [20A-9-408](#) shall participate in the primary election for that office.

1818 (d) A qualified political party that has two or more candidates qualify as candidates for
1819 an elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1820 under Section [20A-9-407](#) shall participate in the primary election for that office.

1821 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
1822 [17-52-501](#) or Section [17-52-502](#), a qualified political party shall participate in the primary
1823 election for a county commission office if:

1824 (a) there is more than one:
1825 (i) open position as defined in Section 17-52-501; or
1826 (ii) midterm vacancy as defined in Section 17-52-501; and
1827 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
1828 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number
1829 of respective open positions or midterm vacancies.

1830 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1831 (i) no individual other than the candidate receives a certification, from the appropriate
1832 filing officer, for the regular primary election ballot of the candidate's registered political party
1833 for a particular elective office; or

1834 (ii) for an office where more than one individual is to be elected or nominated, the
1835 number of candidates who receive certification, from the appropriate filing officer, for the
1836 regular primary election of the candidate's registered political party does not exceed the total
1837 number of candidates to be elected or nominated for that office.

1838 (b) ~~[By 5 p.m. on]~~ On the first ~~[Wednesday]~~ Monday after the ~~[third]~~ fourth Saturday
1839 in April, the lieutenant governor shall:

1840 (i) provide to the county clerks:

1841 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1842 county, and county offices who have received certifications from the appropriate filing officer,
1843 along with instructions on how those names shall appear on the primary election ballot in
1844 accordance with Section 20A-6-305; and

1845 (B) a list of unopposed candidates for elective office who have been nominated by a
1846 registered political party; and

1847 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1848 election ballot.

1849 Section 20. Section 20A-9-701 is amended to read:

1850 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1851 (1) No later than August 31 of each regular general election year, the lieutenant
1852 governor shall certify to each county clerk~~[, for offices to be voted upon at the regular general~~
1853 ~~election in that county clerk's county:~~ (a) the names of each candidate ~~[nominated under~~
1854 ~~Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and (b) the names of the], including~~

1855 candidates for president and vice president that are certified by the registered political party as
1856 the party's nominees, for offices to be voted upon at the regular general election in that county
1857 clerk's county.

1858 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1859 the ballot as they are provided on the candidate's declaration of candidacy. ~~[No other names~~
1860 ~~may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered~~
1861 ~~political party, political party, or other political group.]~~

1862 Section 21. **Repealer.**

1863 This bill repeals:

1864 Section **20A-1-103, Severability clause.**

1865 Section **20A-9-405, Nomination petitions for regular primary elections.**

1866 Section **20A-9-406, Qualified political party -- Requirements and exemptions.**

1867 Section **20A-9-407, Convention process to seek the nomination of a qualified**
1868 **political party.**

1869 Section **20A-9-408.5, Declaration of candidacy form for qualified political party.**

1870 Section **20A-9-410, Rulemaking authority.**

1871 Section **20A-9-411, Signing multiple nomination petitions.**

1872 Section 22. **Effective date.**

1873 (1) Except as provided in Subsections (2) and (3), this bill takes effect on January 1,
1874 2019.

1875 (2) (a) If this bill is approved by two-thirds of all the members elected to each house,
1876 the enactment of Sections 20A-9-202, 20A-9-403, and 20A-9-406.5 take effect upon approval
1877 by the governor, or the day following the constitutional time limit of Utah Constitution, Article
1878 VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto
1879 override.

1880 (b) If this bill is not approved by two-thirds of all the members elected to each house,
1881 the enactment of Sections 20A-9-202, 20A-9-403, and 20A-9-406.5 takes effect on May 8,
1882 2018, unless this bill is vetoed by the governor.

1883 (3) (a) Except as provided in Subsection (3)(b), this bill does not take effect if the
1884 Count My Vote citizens' initiative petition, entitled "Direct Primary Election," filed with the
1885 lieutenant governor on September 27, 2017, becomes law.

1886 (b) If approved by two-thirds vote of all the members elected to each house, the
1887 enactment of Section 20A-9-406.5 takes effect upon the governor's signature, or if not
1888 approved by two-thirds vote, on May 8, 2018, unless this bill is vetoed by the governor.

1889 Section 23. **Revisor instructions.**

1890 If the Count My Vote citizen's initiative petition, entitled "Direct Primary Election,"
1891 filed with the lieutenant governor on September 27, 2017, does not become law, the Legislature
1892 intends that the Office of Legislative Research and General Counsel, in preparing the Utah
1893 Code database for publication on January 1, 2019, shall:

1894 (1) reverse the changes made to Sections 20A-9-202 and 20A-9-403 in this bill;

1895 (2) after complying with Subsection (1):

1896 (a) amend Subsections 20A-9-202(1) through (3), as follows:

1897 "(1) (a) Each person seeking to become a candidate for [an] elective office for a county
1898 office that is to be filled at the next regular general election shall:

1899 (i) file a declaration of candidacy in person with the [filing officer on or after January 1
1900 of the regular general election year, and, if applicable, before the candidate circulates
1901 nomination petitions under Section 20A-9-405] county clerk on or after the second Friday in
1902 March and before 5 p.m. on the third Thursday in March before the next regular general
1903 election; and

1904 (ii) pay the filing fee.

1905 (b) Each person intending to become a candidate for a legislative office or multicounty
1906 office that is to be filled at the next regular general election shall:

1907 (i) file a declaration of candidacy in person with either the lieutenant governor or the
1908 county clerk in the candidate's county of residence on or after the second Friday in March and
1909 before 5 p.m. on the third Thursday in March before the next regular general election; and

1910 (ii) pay the filing fee.

1911 [~~(b)~~] (c) (i) Each county clerk who receives a declaration of candidacy from a candidate
1912 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
1913 candidacy to the lieutenant governor within one working day after it is filed.

1914 [~~(c)~~] (ii) Each day during the filing period, each county clerk shall notify the lieutenant
1915 governor electronically or by telephone of legislative candidates who have filed in [their] the
1916 county clerk's office.

1917 (d) Each person seeking to become a candidate for elective office for a federal office or
 1918 constitutional office that is to be filled at the next regular general election shall:

1919 (i) file a declaration of candidacy in person with the lieutenant governor on or after the
 1920 second Friday in March and before 5 p.m. on the third Thursday in March before the next
 1921 regular general election; and

1922 (ii) pay the filing fee.

1923 ~~[(d)]~~ (e) Each person seeking the office of lieutenant governor, the office of district
 1924 attorney, or the office of president or vice president of the United States shall comply with the
 1925 specific declaration of candidacy requirements established by this section.

1926 (2) (a) Each person intending to become a candidate for the office of district attorney
 1927 within a multicounty prosecution district that is to be filled at the next regular general election
 1928 shall:

1929 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
 1930 creating the prosecution district on or after ~~[January 1 of the regular general election year, and~~
 1931 ~~before the candidate circulates nomination petitions under Section 20A-9-405]~~ the second
 1932 Friday in March and before 5 p.m. on the third Thursday in March before the next regular
 1933 general election; and

1934 (ii) pay the filing fee.

1935 (b) The designated clerk shall provide to the county clerk of each county in the
 1936 prosecution district a certified copy of each declaration of candidacy filed for the office of
 1937 district attorney.

1938 (3) (a) ~~[On or before 5 p.m. on the first Monday after the third Saturday in April]~~
 1939 Within five working days of nomination, each lieutenant governor candidate shall:

1940 (i) file a declaration of candidacy with the lieutenant governor;

1941 (ii) pay the filing fee; and

1942 (iii) submit a letter from a candidate for governor who has received certification for the
 1943 ~~[primary election]~~ primary election ballot under Section 20A-9-403 that names the lieutenant
 1944 governor candidate as a joint-ticket running mate.

1945 (b) Any candidate for lieutenant governor who fails to ~~[timely file]~~ within five working
 1946 days is disqualified. If a lieutenant governor is disqualified, another candidate shall ~~[file]~~ be
 1947 nominated to replace the disqualified candidate."; and

1948 (b) amend Subsections 20A-9-403(1) through (5) as follows:

1949 ~~“(1) (a) [Candidates for elective office that are to be filled at the next regular general~~
1950 ~~election shall be nominated in a regular primary election by direct vote of the people in the~~
1951 ~~manner prescribed in this section.] The fourth Tuesday of June of each even-numbered year is~~
1952 ~~designated as regular primary election day. [Nothing in this section shall affect a candidate's~~
1953 ~~ability to qualify for a regular general election's ballot as an unaffiliated candidate under~~
1954 ~~Section 20A-9-501 or to participate in a regular general election as a write-in candidate under~~
1955 ~~Section 20A-9-601.]~~

1956 (b) Each registered political party that chooses to ~~[have the names]~~ use the primary
1957 election process to nominate some or all of the registered political party's candidates ~~[for~~
1958 ~~elective office featured with party affiliation on the ballot at a regular general election]~~ shall
1959 comply with the requirements of this section ~~[and shall nominate the registered political party's~~
1960 ~~candidates for elective office in the manner described in this section].~~

1961 ~~[(c) A filing officer may not permit an official ballot at a regular general election to be~~
1962 ~~produced or used if the ballot denotes affiliation between a registered political party or any~~
1963 ~~other political group and a candidate for elective office who is not nominated in the manner~~
1964 ~~prescribed in this section or in Subsection 20A-9-202(4).]~~

1965 ~~[(d) Unless noted otherwise, the dates in this section refer to those that occur in each~~
1966 ~~even-numbered year in which a regular general election will be held.]~~

1967 (2) (a) ~~[Each]~~ As a condition for using the state's election system, each registered
1968 political party~~[-, in a statement filed with the lieutenant governor,]~~ that wishes to participate in
1969 the primary election shall:

1970 (i) ~~[either]~~ declare the registered political party's intent to participate in the ~~[next~~
1971 ~~regular]~~ primary election ~~[or declare that the registered political party chooses not to have the~~
1972 ~~names of the registered political party's candidates for elective office featured on the ballot at~~
1973 ~~the next regular general election; and];~~

1974 (ii) ~~[if the registered political party participates in the upcoming regular primary~~
1975 ~~election,]~~ identify one or more registered political parties whose members may vote for the
1976 registered political party's candidates and whether individuals identified as unaffiliated with a
1977 political party may vote for the registered political party's candidates~~[-];~~ and

1978 ~~[(b) (i) A registered political party that is a continuing political party shall file the~~

1979 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1980 November 30 of each odd-numbered year.]

1981 ~~[(ii) An organization that is seeking to become a registered political party under~~
1982 ~~Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the~~
1983 ~~registered political party files the petition described in Section 20A-8-103.]~~

1984 ~~[(3) (a) Except as provided in Subsection (3)(c), an individual who submits a~~
1985 ~~declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective~~
1986 ~~office on the regular primary ballot of the registered political party listed on the declaration of~~
1987 ~~candidacy only if the individual is certified by the appropriate filing officer as having submitted~~
1988 ~~a set of nomination petitions that was:]~~

1989 ~~[(i) circulated and completed in accordance with Section 20A-9-405; and]~~

1990 ~~[(ii) signed by at least 2% of the registered political party's members who reside in the~~
1991 ~~political division of the office that the individual seeks.]~~

1992 ~~[(b) (i) A candidate for elective office shall submit nomination petitions to the~~
1993 ~~appropriate filing officer for verification and certification no later than 5 p.m. on the final day~~
1994 ~~in March.]~~

1995 ~~[(ii) A candidate may supplement the candidate's submissions at any time on or before~~
1996 ~~the filing deadline.]~~

1997 ~~[(c) (i) The lieutenant governor shall determine for each elective office the total~~
1998 ~~number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the~~
1999 ~~aggregate number of individuals residing in each elective office's political division who have~~
2000 ~~designated a particular registered political party on the individuals' voter registration forms on~~
2001 ~~or before November 15 of each odd-numbered year.]~~

2002 ~~[(ii) The lieutenant governor shall publish the determination for each elective office no~~
2003 ~~later than November 30 of each odd-numbered year.]~~

2004 ~~[(d) The filing officer shall:]~~

2005 ~~[(i) verify signatures on nomination petitions in a transparent and orderly manner;]~~

2006 ~~[(ii) for all qualifying candidates for elective office who submit nomination petitions to~~
2007 ~~the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the~~
2008 ~~first Monday after the third Saturday in April;]~~

2009 ~~[(iii) consider active and inactive voters eligible to sign nomination petitions;]~~

2010 ~~[(iv) consider an individual who signs a nomination petition a member of a registered~~
2011 ~~political party for purposes of Subsection (3)(a)(ii) if the individual has designated that~~
2012 ~~registered political party as the individual's party membership on the individual's voter~~
2013 ~~registration form; and]~~

2014 ~~[(v) utilize procedures described in Section 20A-7-206.3 to verify submitted~~
2015 ~~nomination petition signatures, or use statistical sampling procedures to verify submitted~~
2016 ~~nomination petition signatures in accordance with rules made under Subsection (3)(f).]~~

2017 ~~[(e) Notwithstanding any other provision in this Subsection (3), a candidate for~~
2018 ~~lieutenant governor may appear on the regular primary ballot of a registered political party~~
2019 ~~without submitting nomination petitions if the candidate files a declaration of candidacy and~~
2020 ~~complies with Subsection 20A-9-202(3).]~~

2021 ~~[(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
2022 ~~director of elections, within the Office of the Lieutenant Governor, shall make rules that:]~~

2023 ~~[(i) provide for the use of statistical sampling procedures that:]~~

2024 ~~[(A) filing officers are required to use to verify signatures under Subsection (3)(d);~~
2025 ~~and]~~

2026 ~~[(B) reflect a bona fide effort to determine the validity of a candidate's entire~~
2027 ~~submission, using widely recognized statistical sampling techniques; and]~~

2028 ~~[(ii) provide for the transparent, orderly, and timely submission, verification, and~~
2029 ~~certification of nomination petition signatures.]~~

2030 (iii) certify the information described in this Subsection (2)(a) to the lieutenant
2031 governor no later than 5 p.m. on March 1 of each even-numbered year.

2032 (b) As a condition for using the state's election system, each registered political party
2033 that wishes to participate in the primary election shall:

2034 (i) certify the name and office of each of the registered political party's candidates to
2035 the lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in
2036 April of each even-numbered year and indicate which of the candidates will be on the primary
2037 ballot; and

2038 (ii) certify the name and office of each of the registered political party's county
2039 candidates to the county clerks by 5 p.m. on the first Monday after the third Saturday in April
2040 of each even-numbered year and indicate which of the candidates will be on the primary ballot.

2041 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each
2042 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
2043 names of all statewide candidates, multicounty candidates, or single county candidates that
2044 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in
2045 accordance with Section [20A-6-305](#).

2046 (d) Except for presidential candidates, if a registered political party does not wish to
2047 participate in the primary election, the registered political party shall submit the names of the
2048 registered political party's county candidates to the county clerks and the names of all of the
2049 registered political party's candidates to the lieutenant governor by 5 p.m. on May 30 of each
2050 even-numbered year.

2051 ~~[(g)]~~ (3) The county clerk shall:

2052 ~~[(i)]~~ (a) review the declarations of candidacy filed by candidates for local boards of
2053 education to determine if more than two candidates have filed for the same seat;

2054 ~~[(ii)]~~ (b) place the names of all candidates who have filed a declaration of candidacy
2055 for a local board of education seat on the nonpartisan section of the ballot if more than two
2056 candidates have filed for the same seat; and

2057 ~~[(iii)]~~ (c) determine the order of the ~~[local board of education]~~ candidates' names on the
2058 ballot in accordance with Section [20A-6-305](#).

2059 ~~[(4)(a) By 5 p.m. on the first Wednesday after the third Saturday in April, the~~
2060 ~~lieutenant governor shall provide to the county clerks:]~~

2061 ~~[(i) a list of the names of all candidates for federal, constitutional, multi-county, single~~
2062 ~~county, and county offices who have received certifications under Subsection (3), along with~~
2063 ~~instructions on how those names shall appear on the primary election ballot in accordance with~~
2064 ~~Section [20A-6-305](#); and]~~

2065 ~~[(ii) a list of unopposed candidates for elective office who have been nominated by a~~
2066 ~~registered political party under Subsection (5)(c) and instruct the county clerks to exclude the~~
2067 ~~unopposed candidates from the primary election ballot.]~~

2068 ~~[(b) A candidate for lieutenant governor and a candidate for governor campaigning as~~
2069 ~~joint-ticket running mates shall appear jointly on the primary election ballot.]~~

2070 ~~[(e)]~~ (4) After the county clerk receives the certified list from ~~[the lieutenant governor~~
2071 ~~under Subsection (4)(a)]~~ a registered political party, the county clerk shall post or publish a

2072 primary election notice in substantially the following form:

2073 "Notice is given that a primary election will be held Tuesday, June ____,
2074 _____(year), to nominate party candidates for the parties and [~~candidates for~~] nonpartisan
2075 [~~local school board positions~~] offices listed on the primary ballot. The polling place for voting
2076 precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same
2077 day. Attest: county clerk."

2078 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary
2079 election, receives the highest number of votes cast for the office sought by the candidate is[:(+)]
2080 nominated for that office by the candidate's registered political party[;] or nonpartisan group.
2081 [~~(ii) for a nonpartisan local school board position, nominated for that office.~~]

2082 (b) If two or more candidates, other than presidential candidates, are to be elected to
2083 the office at the regular general election, those party candidates equal in number to positions to
2084 be filled who receive the highest number of votes at the regular primary election are the
2085 nominees of the candidates' party for those positions.

2086 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

2087 (A) no individual other than the candidate receives a certification under Subsection
2088 [~~(3)~~] (2) for the regular primary election ballot of the candidate's registered political party for a
2089 particular elective office; or

2090 (B) for an office where more than one individual is to be elected or nominated, the
2091 number of candidates who receive certification under Subsection [~~(3)~~] (2) for the regular
2092 primary election of the candidate's registered political party does not exceed the total number of
2093 candidates to be elected or nominated for that office.

2094 (ii) A candidate who is unopposed for an elective office in the regular primary election
2095 of a registered political party is nominated by the party for that office without appearing on the
2096 primary election ballot."; and

2097 (3) repeal Sections 20A-9-408 and 20A-9-409.