

**Representative Adam Robertson** proposes the following substitute bill:

**ELECTIONS MODIFICATIONS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

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

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code.

**Highlighted Provisions:**

This bill:

- ▶ prohibits the lieutenant governor from recognizing or implementing a change in a political party's status as a registered political party or a qualified political party during a certain period of time related to an election cycle; and
- ▶ reinstates the election system in effect before passage of 2014 General Session, S.B. 54, Elections Amendments, as follows:
  - modifies dates and other provisions relating to a notice of election;
  - repeals provisions relating to obtaining the nomination of a registered political party by petition;
  - repeals certain limitations relating to when a ballot or ballot sheet may indicate that a candidate is associated with a particular political party;
  - repeals all provisions relating to a qualified political party;
  - modifies provisions and dates relating to a declaration of candidacy;
  - modifies provisions relating to the conduct of a primary election; and



25           • makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27           None

28 **Other Special Clauses:**

29           This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32           **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52

33           **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352

34           **20A-1-501**, as last amended by Laws of Utah 2016, Chapter 16

35           **20A-3-106**, as last amended by Laws of Utah 2015, Chapter 296

36           **20A-5-101**, as last amended by Laws of Utah 2017, Chapters 251, 267 and last

37 amended by Coordination Clause, Laws of Utah 2017, Chapter 267

38           **20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66

39           **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17

40           **20A-6-303**, as last amended by Laws of Utah 2016, Chapter 66

41           **20A-6-304**, as last amended by Laws of Utah 2016, Chapter 66

42           **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91

43           **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16

44           **20A-9-201**, as last amended by Laws of Utah 2017, Chapter 63

45           **20A-9-202**, as last amended by Laws of Utah 2017, Chapter 63

46           **20A-9-203**, as last amended by Laws of Utah 2017, Chapter 91

47           **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91

48           **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91

49           **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296

50 ENACTS:

51           **20A-9-406.5**, Utah Code Annotated 1953

52 REPEALS:

53           **20A-1-103**, as last amended by Laws of Utah 2015, Chapter 258

54           **20A-9-405**, as enacted by Laws of Utah 2014, Chapter 17

55           **20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91

- 56            **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91
  - 57            **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91
  - 58            **20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296
  - 59            **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91
  - 60            **20A-9-410**, as enacted by Laws of Utah 2014, Chapter 17
  - 61            **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296
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62  
63 *Be it enacted by the Legislature of the state of Utah:*

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

65            **20A-1-102. Definitions.**

66            As used in this title:

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

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

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

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

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

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

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

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

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

82            (b) a constitutional amendment;

83            (c) an initiative;

84            (d) a referendum;

85            (e) a bond proposition;

86            (f) a judicial retention question;

- 87 (g) an incorporation of a city or town; or
- 88 (h) any other ballot question specifically authorized by the Legislature.
- 89 (6) "Ballot sheet":
- 90 (a) means a ballot that:
- 91 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 92 (ii) can be counted using automatic tabulating equipment; and
- 93 (b) includes punch card ballots and other ballots that are machine-countable.
- 94 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 95 together with a staple or stitch in at least three places across the top of the paper in the blank
- 96 space reserved for securing the paper.
- 97 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 98 [20A-4-306](#) to canvass election returns.
- 99 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 100 the proposed issuance of bonds by a government entity.
- 101 (10) "Book voter registration form" means voter registration forms contained in a
- 102 bound book that are used by election officers and registration agents to register persons to vote.
- 103 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 104 charge by the sender.
- 105 (12) "By-mail voter registration form" means a voter registration form designed to be
- 106 completed by the voter and mailed to the election officer.
- 107 (13) "Canvass" means the review of election returns and the official declaration of
- 108 election results by the board of canvassers.
- 109 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 110 the canvass.
- 111 (15) "Contracting election officer" means an election officer who enters into a contract
- 112 or interlocal agreement with a provider election officer.
- 113 (16) "Convention" means the political party convention at which party officers and
- 114 delegates are selected.
- 115 (17) "Counting center" means one or more locations selected by the election officer in
- 116 charge of the election for the automatic counting of ballots.
- 117 (18) "Counting judge" means a poll worker designated to count the ballots during

118 election day.

119 (19) "Counting poll watcher" means a person selected as provided in Section  
120 20A-3-201 to witness the counting of ballots.

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

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

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

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

129 (b) does not include:

130 (i) deadlines established for absentee voting; or

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

133 (23) "Elected official" means:

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

135 (b) a person who is considered to be elected to a municipal office in accordance with  
136 Subsection 20A-1-206(1)(c)(ii); or

137 (c) a person who is considered to be elected to a local district office in accordance with  
138 Subsection 20A-1-206(3)(c)(ii).

139 (24) "Election" means a regular general election, a municipal general election, a  
140 statewide special election, a local special election, a regular primary election, a municipal  
141 primary election, and a local district election.

142 (25) "Election Assistance Commission" means the commission established by the Help  
143 America Vote Act of 2002, Pub. L. No. 107-252.

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

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

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

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

- 149 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 150 (28) "Election officer" means:
- 151 (a) the lieutenant governor, for all statewide ballots and elections;
- 152 (b) the county clerk for:
- 153 (i) a county ballot and election; and
- 154 (ii) a ballot and election as a provider election officer as provided in Section
- 155 [20A-5-400.1](#) or [20A-5-400.5](#);
- 156 (c) the municipal clerk for:
- 157 (i) a municipal ballot and election; and
- 158 (ii) a ballot and election as a provider election officer as provided in Section
- 159 [20A-5-400.1](#) or [20A-5-400.5](#);
- 160 (d) the local district clerk or chief executive officer for:
- 161 (i) a local district ballot and election; and
- 162 (ii) a ballot and election as a provider election officer as provided in Section
- 163 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 164 (e) the business administrator or superintendent of a school district for:
- 165 (i) a school district ballot and election; and
- 166 (ii) a ballot and election as a provider election officer as provided in Section
- 167 [20A-5-400.1](#) or [20A-5-400.5](#).
- 168 (29) "Election official" means any election officer, election judge, or poll worker.
- 169 (30) "Election results" means:
- 170 (a) for an election other than a bond election, the count of votes cast in the election and
- 171 the election returns requested by the board of canvassers; or
- 172 (b) for bond elections, the count of those votes cast for and against the bond
- 173 proposition plus any or all of the election returns that the board of canvassers may request.
- 174 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 175 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 176 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 177 form, and the total votes cast form.
- 178 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 179 device or other voting device that records and stores ballot information by electronic means.

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

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

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

185 (35) "Inactive voter" means a registered voter who is listed as inactive by a county  
186 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

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

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

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

192 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
193 Local Government Entities - Local Districts, and includes a special service district under Title  
194 17D, Chapter 1, Special Service District Act.

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

197 (41) "Local election" means a regular county election, a regular municipal election, a  
198 municipal primary election, a local special election, a local district election, and a bond  
199 election.

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

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

205 (44) "Municipal executive" means:

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

207 (b) the mayor in the council-manager form of government defined in Subsection  
208 10-3b-103(7); or

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

210 (45) "Municipal general election" means the election held in municipalities and, as

211 applicable, local districts on the first Tuesday after the first Monday in November of each  
212 odd-numbered year for the purposes established in Section 20A-1-202.

213 (46) "Municipal legislative body" means:

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

215 (b) the council of a metro township.

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

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

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

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

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

224 (52) "Official endorsement" means:

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

226 (i) the ballot as an official ballot;

227 (ii) the date of the election; and

228 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the  
229 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

230 (B) for a ballot prepared by a county clerk, the words required by Subsection  
231 20A-6-301(1)(c)(iii); and

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

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

234 (ii) the ballot number.

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

237 (54) "Paper ballot" means a paper that contains:

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

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



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

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

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

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

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

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

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

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

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

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

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

259 (62) "Provider election officer" means an election officer who enters into a contract or  
260 interlocal agreement with a contracting election officer to conduct an election for the  
261 contracting election officer's local political subdivision in accordance with Section  
262 [20A-5-400.1](#).

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

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

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

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

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

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

272 (66) "Receiving judge" means the poll worker that checks the voter's name in the

273 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
274 after the voter has voted.

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

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

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

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

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

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

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

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

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

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

296 (a) is spoiled by the voter;

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

298 (c) lacks the official endorsement.

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

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

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

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

- 305 (a) political parties;
- 306 (b) candidates for an office; or
- 307 (c) ballot propositions.

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

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

313 (83) "Valid voter identification" means:

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

- 316 (i) a currently valid Utah driver license;
- 317 (ii) a currently valid identification card that is issued by:
  - 318 (A) the state; or
  - 319 (B) a branch, department, or agency of the United States;
- 320 (iii) a currently valid Utah permit to carry a concealed weapon;
- 321 (iv) a currently valid United States passport; or
- 322 (v) a currently valid United States military identification card;

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

- 325 (i) a valid tribal identification card;
- 326 (ii) a Bureau of Indian Affairs card; or
- 327 (iii) a tribal treaty card; or

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

- 331 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
332 election;
- 333 (ii) a bank or other financial account statement, or a legible copy thereof;
- 334 (iii) a certified birth certificate;

- 335 (iv) a valid social security card;
- 336 (v) a check issued by the state or the federal government or a legible copy thereof;
- 337 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 338 (vii) a currently valid Utah hunting or fishing license;
- 339 (viii) certified naturalization documentation;
- 340 (ix) a currently valid license issued by an authorized agency of the United States;
- 341 (x) a certified copy of court records showing the voter's adoption or name change;
- 342 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 343 (xii) a currently valid identification card issued by:
  - 344 (A) a local government within the state;
  - 345 (B) an employer for an employee; or
  - 346 (C) a college, university, technical school, or professional school located within the
  - 347 state; or
  - 348 (xiii) a current Utah vehicle registration.

349 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in  
350 candidate by following the procedures and requirements of this title.

- 351 (85) "Voter" means a person who:
- 352 (a) meets the requirements for voting in an election;
  - 353 (b) meets the requirements of election registration;
  - 354 (c) is registered to vote; and
  - 355 (d) is listed in the official register book.

356 (86) "Voter registration deadline" means the registration deadline provided in Section  
357 [20A-2-102.5](#).

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

- 360 (88) "Voting booth" means:
- 361 (a) the space or compartment within a polling place that is provided for the preparation
  - 362 of ballots, including the voting machine enclosure or curtain; or
  - 363 (b) a voting device that is free standing.

364 (89) "Voting device" means:  
365 (a) an apparatus in which ballot sheets are used in connection with a punch device for

366 piercing the ballots by the voter;

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

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

370 (d) an automated voting system under Section 20A-5-302; or

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

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

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

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

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

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

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

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

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

387 **20A-1-201.5. Primary election dates.**

388 (1) A regular primary election shall be held throughout the state on the fourth Tuesday  
389 of June of each even numbered year, as provided in Section 20A-9-403, [~~20A-9-407, or~~  
390 ~~20A-9-408, as applicable,~~] to nominate persons for:

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

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

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

396 (3) If the Legislature makes an appropriation for a Western States Presidential Primary

397 election, the Western States Presidential Primary election shall be held throughout the state on  
398 the first Tuesday in February in the year in which a presidential election will be held.

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

400 **20A-1-501. Candidate vacancies -- Procedure for filling.**

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

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

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

413 (ii) one or both:

414 (A) dies;

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

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

418 (b) for a registered political party that does not have a candidate on the ballot in a  
419 primary, but that will have a candidate on the ballot for a general election, after the close of the  
420 period for filing a declaration of candidacy and continuing through the day before the day on  
421 which the lieutenant governor makes the certification described in Section [20A-5-409](#), the  
422 party's candidate:

423 (i) dies;

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

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

427 or

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

430 (c) for a registered political party with a candidate certified as winning a primary  
431 election, after the deadline described in Subsection (1)(a) and continuing through the day  
432 before that day on which the lieutenant governor makes the certification described in Section  
433 [20A-5-409](#), the party's candidate:

434 (i) dies;

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

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

438 or

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

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

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

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

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

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

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

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

459           **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**  
460 **of unnecessary marking of cross.**

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

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

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

466           (c) make both markings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



490 for a person on another party ticket for an office, [~~or for an unaffiliated candidate,~~] the voter  
 491 shall select or mark the ballot next to the name of the candidate for whom the voter wishes to  
 492 vote.

493 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:

494 (i) by entering the name of a valid write-in candidate:

495 (A) by writing the name of a valid write-in candidate in the blank write-in section of  
 496 the ballot; or

497 (B) by affixing a sticker with the office and name of the valid write-in name printed on  
 498 it in the blank write-in part of the ballot; and

499 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's  
 500 vote.

501 (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person  
 502 whose name is written or whose sticker appears in the blank write-in part of the ballot, if a  
 503 mark is made opposite that name.

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

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

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

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

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

511 **20A-5-101. Notice of election.**

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

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

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

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

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

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

526 (i) publish a notice:

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

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

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

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

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

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

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

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

538 (a) the date of election;

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

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

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

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

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

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

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

551 (i) in a newspaper of general circulation common to the area to which the election

552 pertains; and

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

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

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

557 **20A-6-301. Paper ballots -- Regular general election.**

558 (1) Each election officer shall ensure that:

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

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

564 ~~[(iii) no indication that a candidate for elective office has been nominated by, or has  
565 been endorsed by, or is in any way affiliated with a political party or group, unless the  
566 candidate has been nominated by a registered political party in accordance with Subsection  
567 20A-9-202(4) or Subsection 20A-9-403(5).]~~

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

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

572 (iii) ballot stubs are numbered consecutively;

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

575 (i) "Official Ballot for \_\_\_\_ County, Utah";

576 (ii) the date of the election; and

577 (iii) the words "Clerk of \_\_\_\_\_ County" or, as applicable, the name of a  
578 combined office that includes the duties of a county clerk;

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

581 (e) unaffiliated candidates~~[;]~~ and candidates not affiliated with a registered political  
582 party~~[; and all other candidates for elective office who were not nominated by a registered~~

583 ~~political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);~~ are  
584 listed with the other candidates for the same office in accordance with Section 20A-6-305,  
585 without a party name or title, and with a mark referencing the following statement at the  
586 bottom of the ticket: "This candidate is not affiliated with~~;~~ ~~or does not qualify to be listed on~~  
587 ~~the ballot as affiliated with,~~ a political party.";

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

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

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

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

597 (i) the ballot includes a space for a write-in candidate immediately following the last  
598 candidate listed on that ticket; or

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

603 (2) Each election officer shall ensure that:

604 (a) each person nominated by any registered political party [~~under Subsection~~  
605 ~~20A-9-202(4) or Subsection 20A-9-403(5), and no other person;~~] or group of petitioners is  
606 placed on the ballot:

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

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

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

613 (c) the names of the candidates for president and vice president are used on the ballot

614 instead of the names of the presidential electors; and

615 (d) the ballots contain no other names.

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

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

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

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

623 (d) the nonpartisan candidates are grouped according to the office for which they are  
624 candidates;

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

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

630 (4) Each election officer shall ensure that:

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

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

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

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

638 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

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

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

645 (c) the names of candidates are placed on the ballot in the order specified under Section  
646 [20A-6-305](#).

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

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

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

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

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

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

- 670 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and  
671 (ii) contains the signatures of registered voters in the county representing in number at  
672 least 25% of all votes cast in the county for all candidates for governor at the last election at  
673 which a governor was elected.

674 (3) (a) When there is only one candidate for district attorney at the regular general  
675 election in a prosecution district that has three or fewer registered voters of the district who are

676 licensed active members in good standing of the Utah State Bar, the county clerk shall cause  
677 that candidate's name and party affiliation, if any, to be placed on a separate section of the  
678 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
679 attorney? Yes \_\_\_\_ No \_\_\_\_."

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

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

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

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

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

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

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

702 **20A-6-303. Regular general election -- Ballot sheets.**

703 (1) Each election officer shall ensure that:

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

706 (b) the ballot sheet or any pages used for the ballot label are of sufficient number to

707 include, after the list of candidates:

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

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

710 (c) the office titles are printed immediately adjacent to the names of candidates so as to

711 indicate clearly the candidates for each office and the number to be elected;

712 (d) the party designation of each candidate [~~who has been nominated by a registered~~

713 ~~political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] is printed~~

714 immediately adjacent to the candidate's name; and

715 (e) (i) if possible, all candidates for one office are grouped in one column or upon one

716 page;

717 (ii) if all candidates for one office cannot be listed in one column or grouped on one

718 page:

719 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of

720 candidates is continued on the following column or page; and

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

722 each page.

723 (2) Each election officer shall ensure that:

724 (a) proposed amendments to the Utah Constitution are listed in accordance with

725 Section 20A-6-107;

726 (b) ballot propositions submitted to the voters are listed in accordance with Section

727 20A-6-107; and

728 (c) bond propositions that have qualified for the ballot are listed under the title

729 assigned to each bond proposition under Section 11-14-206.

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

731 **20A-6-304. Regular general election -- Electronic ballots.**

732 (1) Each election officer shall ensure that:

733 (a) the format and content of the electronic ballot is arranged in approximately the

734 same order as paper ballots;

735 (b) the titles of offices and the names of candidates are displayed in vertical columns or

736 in a series of separate display screens;

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



738 (i) the names of candidates for judicial offices and any other nonpartisan offices; and  
739 (ii) any ballot propositions submitted to the voters for their approval or rejection;  
740 (d) the office titles are displayed above or at the side of the names of candidates so as  
741 to indicate clearly the candidates for each office and the number to be elected;

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

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

747 (2) Each election officer shall ensure that:

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

750 (b) ballot propositions submitted to the voters are displayed in accordance with Section  
751 20A-6-107; and

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

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

755 **20A-8-103. Petition procedures -- Criminal penalty.**

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

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

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

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

769 (c) file, with the petition described in Subsection (2)(b), a document certifying:  
770 (i) the identity of one or more registered political parties whose members may vote for  
771 the organization's candidates; and

772 (ii) whether unaffiliated voters may vote for the organization's candidates[~~;~~and].  
773 [~~(iii) whether, for the next election, the organization intends to nominate the~~  
774 ~~organization's candidates in accordance with the provisions of Section 20A-9-406.]~~

775 (3) The petition shall:

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

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

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

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

783 (e) contain, to the right of the word "Warning," the following statement printed in not  
784 less than eight-point, single leaded type:

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

790 (f) contain the following statement directly under the statement described in Subsection  
791 (3)(e):

792 "POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_\_,  
793 Lieutenant Governor:

794 We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_\_  
795 (name);

796 Each signer says:

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

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

800 I am or desire to become a member of the political party; and  
801 My street address is written correctly after my name."; and  
802 (g) be vertically divided into columns as follows:  
803 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
804 headed with "For Office Use Only," and be subdivided with a light vertical line down the  
805 middle;  
806 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
807 Name (must be legible to be counted)";  
808 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of  
809 Registered Voter";  
810 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";  
811 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
812 Code"; and  
813 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age  
814 information is not required, but it may be used to verify your identity with voter registration  
815 records. If you choose not to provide it, your signature may not be certified as a valid signature  
816 if you change your address before petition signatures are certified or if the information you  
817 provide does not match your voter registration records.";  
818 (h) have a final page bound to one or more signature sheets that are bound together that  
819 contains the following printed statement:  
820 "Verification  
821 State of Utah, County of \_\_\_\_  
822 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:  
823 I am a Utah resident and am at least 18 years old;  
824 All the names that appear on the signature sheets bound to this page were signed by  
825 individuals who professed to be the individuals whose names appear on the signature sheets,  
826 and each individual signed the individual's name on the signature sheets in my presence;  
827 I believe that each individual has printed and signed the individual's name and written  
828 the individual's street address correctly, and that each individual is registered to vote in Utah or  
829 will register to vote in Utah before the petition is submitted to the lieutenant governor.  
830

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831 (Signature) (Residence Address) (Date)"; and

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

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

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

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

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

841 (a) is at least 18 years old;

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

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

845 (5) An individual may not sign the verification if the individual signed a signature  
846 sheet bound to the verification.

847 (6) The lieutenant governor shall:

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

849 (b) review the proposed name and emblem to determine if they are "distinguishable"  
850 from the names and emblems of other registered political parties; and

851 (c) certify the lieutenant governor's findings to the filing officer described in  
852 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

853 (7) (a) If the lieutenant governor determines that the petition meets the requirements of  
854 this section, and that the proposed name and emblem are distinguishable, the lieutenant  
855 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the  
856 prospective political party.

857 (b) If the lieutenant governor finds that the name, emblem, or both are not  
858 distinguishable from the names and emblems of other registered political parties, the lieutenant  
859 governor shall notify the filing officer that the filing officer has seven days to submit a new  
860 name or emblem to the lieutenant governor.

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

862 general election cycle.

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

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

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

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

867 (C) if the individual is not registered to vote in this state and does not intend to become  
868 registered to vote in this state before the petition is submitted to the lieutenant governor; or

869 (ii) sign the verification of a political party registration petition signature sheet if the  
870 individual:

871 (A) does not meet the residency requirements of Section 20A-2-105;

872 (B) has not witnessed the signing by those individuals whose names appear on the  
873 political party registration petition signature sheet; or

874 (C) knows that an individual whose signature appears on the political party registration  
875 petition signature sheet is not registered to vote in this state and does not intend to become  
876 registered to vote in this state.

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

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

879 **20A-9-101. Definitions.**

880 As used in this chapter:

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

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

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

887 (ii) presidential elector;

888 (iii) any political party offices; and

889 (iv) municipal or local district offices.

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

892 [~~(3) "Continuing political party" means the same as that term is defined in Section~~

893 ~~20A-8-101.~~]

894 [(4)] (3) (a) "County office" means an elective office where the officeholder is selected  
895 by voters entirely within one county.

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

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

898 (ii) the office of presidential elector;

899 (iii) any political party offices;

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

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

902 [(5)] (4) "Federal office" means an elective office for United States Senator and United  
903 States Representative.

904 [(6)] (5) "Filing officer" means:

905 (a) the lieutenant governor, for:

906 (i) an office representing a political division that contains territory  
907 in two or more counties;

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

909 [(ii)] (iii) all constitutional offices;

910 (b) the county clerk, for county offices and local school district offices~~], and the county~~  
911 ~~clerk in the filer's county of residence, for multicounty offices];~~

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

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

914 [(7)] (6) "Local district office" means an elected office in a local district.

915 [(8)] (7) "Local government office" includes county offices, municipal offices, and  
916 local district offices and other elective offices selected by the voters from a political division  
917 entirely within one county.

918 [(9)] (8) (a) "Multicounty office" means an elective office where the officeholder is  
919 selected by the voters from more than one county.

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

921 (i) a county office;

922 (ii) a federal office;

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

924 (iv) the office of presidential elector;

925 (v) any political party offices; and

926 (vi) any municipal or local district offices.

927 ~~[(10)]~~ (9) "Municipal office" means an elective office in a municipality.

928 ~~[(11)]~~ (10) (a) "Political division" means a geographic unit from which an officeholder  
929 is elected and that an officeholder represents.

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

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

933 ~~[(a) (i) permits a delegate for the registered political party to vote on a candidate  
934 nomination in the registered political party's convention remotely; or]~~

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

937 ~~[(b) does not hold the registered political party's convention before the fourth Saturday  
938 in March of an even-numbered year;]~~

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

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

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

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

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

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

955           **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
956 **more than one political party prohibited with exceptions -- General filing and form**  
957 **requirements -- Affidavit of impecuniosity.**

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

959           (a) be a United States citizen; and

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

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

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

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

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

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

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

969           (iii) file a declaration of candidacy for a registered political party of which the  
970 individual is not a member, except to the extent that the registered political party permits  
971 otherwise in the registered political party's bylaws.

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

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

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

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

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



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

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

989 (A) a United States citizen;

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

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

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

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

1000 (A) a United States citizen;

1001 (B) an attorney licensed to practice law in Utah who is an active member in good  
1002 standing of the Utah State Bar;

1003 (C) a registered voter in the prosecution district in which the person is seeking office;  
1004 and

1005 (D) a current resident of the prosecution district in which the person is seeking office  
1006 and either will have been a resident of that prosecution district for at least one year as of the  
1007 date of the election or was appointed and is currently serving as district attorney and became a  
1008 resident of the prosecution district within 30 days after receiving appointment to the office.

1009 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the  
1010 county clerk shall ensure that the person filing the declaration of candidacy:

1011 (A) as of the date of filing:

1012 (I) is a United States citizen;

1013 (II) is a registered voter in the county in which the person seeks office;

1014 (III) (Aa) has successfully met the standards and training requirements established for  
1015 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
1016 Certification Act; or

1017 (Bb) has met the waiver requirements in Section 53-6-206; and  
1018 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
1019 53-13-103; and  
1020 (B) as of the date of the election, shall have been a resident of the county in which the  
1021 person seeks office for at least one year.  
1022 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant  
1023 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
1024 Education member, the filing officer shall ensure:  
1025 (A) that the person filing the declaration of candidacy also files the financial disclosure  
1026 required by Section 20A-11-1603; and  
1027 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
1028 provided to the lieutenant governor according to the procedures and requirements of Section  
1029 20A-11-1603.  
1030 (b) If the prospective candidate states that the qualification requirements for the office  
1031 are not met, the filing officer may not accept the prospective candidate's declaration of  
1032 candidacy.  
1033 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the  
1034 requirements of candidacy are met, the filing officer shall:  
1035 (i) inform the candidate that:  
1036 (A) the candidate's name will appear on the ballot as the candidate's name is written on  
1037 the declaration of candidacy;  
1038 (B) the candidate may be required to comply with state or local campaign finance  
1039 disclosure laws; and  
1040 (C) the candidate is required to file a financial statement before the candidate's political  
1041 convention under:  
1042 (I) Section 20A-11-204 for a candidate for constitutional office;  
1043 (II) Section 20A-11-303 for a candidate for the Legislature; or  
1044 (III) local campaign finance disclosure laws, if applicable;  
1045 (ii) except for a presidential candidate, provide the candidate with a copy of the current  
1046 campaign financial disclosure laws for the office the candidate is seeking and inform the  
1047 candidate that failure to comply will result in disqualification as a candidate and removal of the

1048 candidate's name from the ballot;

1049 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
1050 Electronic Voter Information Website Program and inform the candidate of the submission  
1051 deadline under Subsection 20A-7-801(4)(a);

1052 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
1053 described under Section 20A-9-206 and inform the candidate that:

1054 (A) signing the pledge is voluntary; and

1055 (B) signed pledges shall be filed with the filing officer;

1056 (v) accept the candidate's declaration of candidacy; and

1057 (vi) if the candidate has filed for a partisan office, provide a certified copy of the  
1058 declaration of candidacy to the chair of the county or state political party of which the  
1059 candidate is a member.

1060 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
1061 officer shall:

1062 (i) accept the candidate's pledge; and

1063 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
1064 candidate's pledge to the chair of the county or state political party of which the candidate is a  
1065 member.

1066 (4) (a) Except for a candidate for president or vice president of the United States, the  
1067 form of the declaration of candidacy shall~~[-(1)]~~ be substantially as follows:

1068 "State of Utah, County of \_\_\_\_

1069 I, \_\_\_\_\_, declare my [~~candidacy~~] intention of becoming a candidate

1070 for the office of \_\_\_\_\_, [~~seeking the nomination of~~] as a candidate for the \_\_\_\_\_ party. I

1071 do solemnly swear that: I will meet the qualifications to hold the office, both legally and

1072 constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,

1073 Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing

1074 campaigns and elections; I will file all campaign financial disclosure reports as required

1075 by law; and I understand that failure to do so will result in my disqualification as a

1076 candidate for this office and removal of my name from the ballot. The mailing address

1077 that I designate for receiving official election notices is

1078 \_\_\_\_\_.

1079 \_\_\_\_\_  
1080 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year).  
1081 Notary Public (or other officer qualified to administer oath)."~~[-and]~~  
1082 ~~[(ii) require the candidate to state, in the sworn statement described in Subsection~~  
1083 ~~(4)(a)(i):]~~  
1084 ~~[(A) the registered political party of which the candidate is a member; or]~~  
1085 ~~[(B) that the candidate is not a member of a registered political party.]~~  
1086 (b) An agent designated to file a declaration of candidacy under Section [20A-9-202](#)  
1087 may not sign the form described in Subsection (4)(a).  
1088 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
1089 is:  
1090 (i) \$50 for candidates for the local school district board; and  
1091 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
1092 person holding the office for all other federal, state, and county offices.  
1093 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
1094 any candidate:  
1095 (i) who is disqualified; or  
1096 (ii) who the filing officer determines has filed improperly.  
1097 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
1098 from candidates.  
1099 (ii) The lieutenant governor shall:  
1100 (A) apportion to and pay to the county treasurers of the various counties all fees  
1101 received for filing of nomination certificates or acceptances; and  
1102 (B) ensure that each county receives that proportion of the total amount paid to the  
1103 lieutenant governor from the congressional district that the total vote of that county for all  
1104 candidates for representative in Congress bears to the total vote of all counties within the  
1105 congressional district for all candidates for representative in Congress.  
1106 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
1107 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
1108 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
1109 a financial statement filed at the time the affidavit is submitted.

1110 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1111 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
1112 statement filed under this section shall be subject to the criminal penalties provided under  
1113 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1114 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
1115 considered an offense under this title for the purposes of assessing the penalties provided in  
1116 Subsection 20A-1-609(2).

1117 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
1118 substantially the following form:

1119 "Affidavit of Impecuniosity

1120 Individual Name \_\_\_\_\_

1121 \_\_\_\_\_ Address \_\_\_\_\_

1122 Phone Number \_\_\_\_\_

1123 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
1124 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
1125 law.

1126 Date \_\_\_\_\_ Signature \_\_\_\_\_

1127 Affiant

1128 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

1129 \_\_\_\_\_  
1130 (signature)

1131 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

1132 (v) The filing officer shall provide to a person who requests an affidavit of  
1133 impecuniosity a statement printed in substantially the following form, which may be included  
1134 on the affidavit of impecuniosity:

1135 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
1136 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
1137 penalties, will be removed from the ballot."

1138 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
1139 under this Subsection (5)(d) file a financial statement on a form prepared by the election  
1140 official.

1141 (6) (a) If there is no legislative appropriation for the Western States Presidential  
1142 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for  
1143 president of the United States who is affiliated with a registered political party and chooses to  
1144 participate in the regular primary election shall:

1145 (i) file a declaration of candidacy, in person or via a designated agent, with the  
1146 lieutenant governor:

1147 (A) on a form developed and provided by the lieutenant governor; and

1148 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
1149 March before the next regular primary election;

1150 (ii) identify the registered political party whose nomination the candidate is seeking;

1151 (iii) provide a letter from the registered political party certifying that the candidate may  
1152 participate as a candidate for that party in that party's presidential primary election; and

1153 (iv) pay the filing fee of \$500.

1154 (b) An agent designated to file a declaration of candidacy may not sign the form  
1155 described in Subsection (6)(a)(i)(A).

1156 (7) Any person who fails to file a declaration of candidacy or certificate of nomination  
1157 within the time provided in this chapter is ineligible for nomination to office.

1158 (8) A declaration of candidacy filed under this section may not be amended or  
1159 modified after the final date established for filing a declaration of candidacy.

1160 Section 13. Section **20A-9-202** is amended to read:

1161 **20A-9-202. Declarations of candidacy for regular general elections.**

1162 (1) (a) Each person seeking to become a candidate for ~~[an]~~ elective office for a county  
1163 office that is to be filled at the next regular general election shall:

1164 (i) file a declaration of candidacy in person with the ~~[filing officer on or after January 1~~  
1165 ~~of the regular general election year, and, if applicable, before the candidate circulates~~  
1166 ~~nomination petitions under Section 20A-9-405]~~ county clerk on or after the second Friday in  
1167 March and before 5 p.m. on the third Thursday in March before the next regular general  
1168 election; and

1169 (ii) pay the filing fee.

1170 (b) Each person intending to become a candidate for a legislative office or multicounty  
1171 office that is to be filled at the next regular general election shall:

1172 (i) file a declaration of candidacy in person with either the lieutenant governor or the  
1173 county clerk in the candidate's county of residence on or after the second Friday in March and  
1174 before 5 p.m. on the third Thursday in March before the next regular general election; and

1175 (ii) pay the filing fee.

1176 ~~[(b)]~~ (c) (i) Each county clerk who receives a declaration of candidacy from a candidate  
1177 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
1178 candidacy to the lieutenant governor within one working day after it is filed.

1179 ~~[(c)]~~ (ii) Each day during the filing period, each county clerk shall notify the lieutenant  
1180 governor electronically or by telephone of legislative candidates who have filed in ~~[their]~~ the  
1181 county clerk's office.

1182 (d) Each person seeking to become a candidate for elective office for a federal office or  
1183 constitutional office that is to be filled at the next regular general election shall:

1184 (i) file a declaration of candidacy in person with the lieutenant governor on or after the  
1185 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
1186 regular general election; and

1187 (ii) pay the filing fee.

1188 ~~[(d)]~~ (e) Each person seeking the office of lieutenant governor, the office of district  
1189 attorney, or the office of president or vice president of the United States shall comply with the  
1190 specific declaration of candidacy requirements established by this section.

1191 (2) (a) Each person intending to become a candidate for the office of district attorney  
1192 within a multicounty prosecution district that is to be filled at the next regular general election  
1193 shall:

1194 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
1195 creating the prosecution district on or after ~~[January 1 of the regular general election year, and~~  
1196 ~~before the candidate circulates nomination petitions under Section 20A-9-405]~~ the second  
1197 Friday in March and before 5 p.m. on the third Thursday in March before the next regular  
1198 general election; and

1199 (ii) pay the filing fee.

1200 (b) The designated clerk shall provide to the county clerk of each county in the  
1201 prosecution district a certified copy of each declaration of candidacy filed for the office of  
1202 district attorney.

- 1203 (3) (a) [~~On or before 5 p.m. on the first Monday after the third Saturday in April~~  
1204 Within five working days of nomination, each lieutenant governor candidate shall:
- 1205 (i) file a declaration of candidacy with the lieutenant governor;  
1206 (ii) pay the filing fee; and  
1207 (iii) submit a letter from a candidate for governor who has received certification for the  
1208 [~~primary-election~~] primary election ballot under Section 20A-9-403 that names the lieutenant  
1209 governor candidate as a joint-ticket running mate.
- 1210 (b) Any candidate for lieutenant governor who fails to [~~timely~~] file within five working  
1211 days is disqualified. If a lieutenant governor is disqualified, another candidate shall [~~file~~] be  
1212 nominated to replace the disqualified candidate.
- 1213 (4) On or before August 31, each registered political party shall:
- 1214 (a) certify the names of its candidates for president and vice president of the United  
1215 States to the lieutenant governor; or
- 1216 (b) provide written authorization for the lieutenant governor to accept the certification  
1217 of candidates for president and vice president of the United States from the national office of  
1218 the registered political party.
- 1219 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
1220 objection is filed with the clerk or lieutenant governor within five days after the last day for  
1221 filing.
- 1222 (b) If an objection is made, the clerk or lieutenant governor shall:
- 1223 (i) mail or personally deliver notice of the objection to the affected candidate  
1224 immediately; and
- 1225 (ii) decide any objection within 48 hours after it is filed.
- 1226 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
1227 problem by amending the declaration or petition within three days after the objection is  
1228 sustained or by filing a new declaration within three days after the objection is sustained.
- 1229 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.  
1230 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
1231 by a district court if prompt application is made to the court.
- 1232 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
1233 of its discretion, agrees to review the lower court decision.



1234 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by  
1235 filing a written affidavit with the clerk.

1236 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement  
1237 in this section to file a declaration of candidacy in person, a person may designate an agent to  
1238 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

1239 (a) the person is located outside the state during the filing period because:

1240 (i) of employment with the state or the United States; or

1241 (ii) the person is a member of:

1242 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
1243 Coast Guard of the United States who is on active duty;

1244 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
1245 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
1246 States; or

1247 (C) the National Guard on activated status;

1248 (b) the person communicates with the filing officer using an electronic device that  
1249 allows the person and filing officer to see and hear each other; and

1250 (c) the person provides the filing officer with an email address to which the filing  
1251 officer may send the copies described in Subsection 20A-9-201(3).

1252 (8) (a) Except for a candidate who is certified by a registered political party under  
1253 Subsection (4), and except as provided in Section 20A-9-504, on or before August 31 of a  
1254 general election year, each individual running as a candidate for vice president of the United  
1255 States shall:

1256 (i) file a declaration of candidacy, in person or via designated agent, on a form  
1257 developed by the lieutenant governor, that:

1258 (A) contains the individual's name, address, and telephone number;

1259 (B) states that the individual meets the qualifications for the office of vice president of  
1260 the United States;

1261 (C) names the presidential candidate, who has qualified for the general election ballot,  
1262 with which the individual is running as a joint-ticket running mate;

1263 (D) states that the individual agrees to be the running mate of the presidential candidate  
1264 described in Subsection (8)(a)(i)(C); and

1265 (E) contains any other necessary information identified by the lieutenant governor;  
1266 (ii) pay the filing fee, if applicable; and  
1267 (iii) submit a letter from the presidential candidate described in Subsection (8)(a)(i)(C)  
1268 that names the individual as a joint-ticket running mate as a vice presidential candidate.

1269 (b) A designated agent described in Subsection (8)(a)(i) may not sign the declaration of  
1270 candidacy.

1271 (c) A vice presidential candidate who fails to meet the requirements described in this  
1272 Subsection (8) may not appear on the general election ballot.

1273 Section 14. Section **20A-9-203** is amended to read:

1274 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1275 (1) An individual may become a candidate for any municipal office if:

1276 (a) the individual is a registered voter; and

1277 (b) (i) the individual has resided within the municipality in which the individual seeks  
1278 to hold elective office for the 12 consecutive months immediately before the date of the  
1279 election; or

1280 (ii) the territory in which the individual resides was annexed into the municipality, the  
1281 individual has resided within the annexed territory or the municipality the 12 consecutive  
1282 months immediately before the date of the election.

1283 (2) (a) For purposes of determining whether an individual meets the residency  
1284 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
1285 before the election, the municipality is considered to have been incorporated 12 months before  
1286 the date of the election.

1287 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
1288 council position shall, if elected from a district, be a resident of the council district from which  
1289 the candidate is elected.

1290 (c) In accordance with Utah Constitution, Article IV, Section 6, any mentally  
1291 incompetent person, any person convicted of a felony, or any person convicted of treason or a  
1292 crime against the elective franchise may not hold office in this state until the right to hold  
1293 elective office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

1294 (3) (a) An individual seeking to become a candidate for a municipal office shall[  
1295 ~~regardless of the nomination method by which the individual is seeking to become a~~

1296 candidate]:

1297 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during  
1298 the office hours described in Section 10-3-301 and not later than the close of those office  
1299 hours, between June 1 and June 7 of any odd-numbered year; and

1300 (ii) pay the filing fee, if one is required by municipal ordinance.

1301 (b) Any resident of a municipality may nominate a candidate for a municipal office by:

1302 (i) filing a nomination petition with the city recorder or town clerk during the office  
1303 hours described in Section 10-3-301 and not later than the close of those office hours, between  
1304 June 1 and June 7 of any odd-numbered year; and

1305 (ii) paying the filing fee, if one is required by municipal ordinance.

1306 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
1307 petition, the filing officer shall:

1308 (i) read to the prospective candidate or individual filing the petition the constitutional  
1309 and statutory qualification requirements for the office that the candidate is seeking; and

1310 (ii) require the candidate or individual filing the petition to state whether the candidate  
1311 meets those requirements.

1312 (b) If the prospective candidate does not meet the qualification requirements for the  
1313 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1314 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
1315 filing officer shall:

1316 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
1317 written on the declaration of candidacy;

1318 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
1319 for the office the candidate is seeking and inform the candidate that failure to comply will  
1320 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1321 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
1322 Electronic Voter Information Website Program and inform the candidate of the submission  
1323 deadline under Subsection 20A-7-801(4)(a);

1324 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
1325 described under Section 20A-9-206 and inform the candidate that:

1326 (A) signing the pledge is voluntary; and

1327 (B) signed pledges shall be filed with the filing officer; and  
1328 (v) accept the declaration of candidacy or nomination petition.  
1329 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
1330 officer shall:  
1331 (i) accept the candidate's pledge; and  
1332 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
1333 candidate's pledge to the chair of the county or state political party of which the candidate is a  
1334 member.  
1335 (5) Notwithstanding the requirement in Subsection (3)(a)(i) to file a declaration of  
1336 candidacy in person, an individual may designate an agent to file the form described in  
1337 Subsection (6) in person with the city recorder or town clerk if:  
1338 (a) the individual is located outside the state during the filing period because:  
1339 (i) of employment with the state or the United States; or  
1340 (ii) the individual is a member of:  
1341 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or  
1342 Coast Guard of the United States who is on active duty;  
1343 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the  
1344 commissioned corps of the National Oceanic and Atmospheric Administration of the United  
1345 States; or  
1346 (C) the National Guard on activated status;  
1347 (b) the individual makes the declaration of candidacy described in Subsection (6) to an  
1348 individual qualified to administer an oath;  
1349 (c) the individual communicates with the city recorder or town clerk using an  
1350 electronic device that allows the individual and the city recorder or town clerk to see and hear  
1351 each other; and  
1352 (d) the individual provides the city recorder or town clerk with an email address to  
1353 which the filing officer may send the copies described in Subsection (4).  
1354 (6) (a) The declaration of candidacy shall substantially comply with the following  
1355 form:  
1356 "I, (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_,  
1357 County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a

1358 registered voter; and that I am a candidate for the office of \_\_\_\_ (stating the term). I will meet  
1359 the legal qualifications required of candidates for this office. I will file all campaign financial  
1360 disclosure reports as required by law and I understand that failure to do so will result in my  
1361 disqualification as a candidate for this office and removal of my name from the ballot. I  
1362 request that my name be printed upon the applicable official ballots. (Signed)

1363 \_\_\_\_\_

1364 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
1365 \_\_\_\_\_(month\day\year).

1366 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)".

1367 (b) An agent designated to file a declaration of candidacy under Subsection (5) may not  
1368 sign the form described in Subsection (6)(a).

1369 (7) (a) A registered voter may be nominated for municipal office by submitting a  
1370 petition signed, with a holographic signature, by:

- 1371 (i) 25 residents of the municipality who are at least 18 years old; or
- 1372 (ii) 20% of the residents of the municipality who are at least 18 years old.

1373 (b) (i) The petition shall substantially conform to the following form:

1374 "NOMINATION PETITION

1375 The undersigned residents of (name of municipality) being 18 years old or older  
1376 nominate (name of nominee) to the office of \_\_\_\_ for the (two or four-year term, whichever is  
1377 applicable)."

1378 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
1379 individuals signing the petition and the individuals' addresses and telephone numbers.

1380 (8) If the declaration of candidacy or nomination petition fails to state whether the  
1381 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
1382 for the four-year term.

1383 (9) (a) The clerk shall verify with the county clerk that all candidates are registered  
1384 voters.

1385 (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
1386 print the candidate's name on the ballot.

1387 (10) Immediately after expiration of the period for filing a declaration of candidacy, the  
1388 clerk shall:

1389 (a) cause the names of the candidates as they will appear on the ballot to be published:  
1390 (i) in at least two successive publications of a newspaper with general circulation in the  
1391 municipality; and  
1392 (ii) as required in Section 45-1-101; and  
1393 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
1394 the ballot.

1395 (11) A declaration of candidacy or nomination petition filed under this section may not  
1396 be amended after the expiration of the period for filing a declaration of candidacy.

1397 (12) (a) A declaration of candidacy or nomination petition filed under this section is  
1398 valid unless a written objection is filed with the clerk within five days after the last day for  
1399 filing.

1400 (b) If an objection is made, the clerk shall:

1401 (i) mail or personally deliver notice of the objection to the affected candidate  
1402 immediately; and

1403 (ii) decide any objection within 48 hours after the objection is filed.

1404 (c) If the clerk sustains the objection, the candidate may correct the problem by  
1405 amending the declaration or petition within three days after the objection is sustained or by  
1406 filing a new declaration within three days after the objection is sustained.

1407 (d) (i) The clerk's decision upon objections to form is final.

1408 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
1409 prompt application is made to the district court.

1410 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
1411 of its discretion, agrees to review the lower court decision.

1412 (13) An individual who files a declaration of candidacy and is nominated, and an  
1413 individual who is nominated by a nomination petition, may, any time up to 23 days before the  
1414 election, withdraw the nomination by filing a written affidavit with the clerk.

1415 Section 15. Section 20A-9-403 is amended to read:

1416 **20A-9-403. Regular primary elections.**

1417 (1) (a) [~~Candidates for elective office that are to be filled at the next regular general~~  
1418 ~~election shall be nominated in a regular primary election by direct vote of the people in the~~  
1419 ~~manner prescribed in this section.~~] The fourth Tuesday of June of each even-numbered year is

1420 designated as regular primary election day. ~~[Nothing in this section shall affect a candidate's~~  
1421 ~~ability to qualify for a regular general election's ballot as an unaffiliated candidate under~~  
1422 ~~Section 20A-9-501 or to participate in a regular general election as a write-in candidate under~~  
1423 ~~Section 20A-9-601.]~~

1424 (b) Each registered political party that chooses to ~~[have the names]~~ use the primary  
1425 election process to nominate some or all of the registered political party's candidates ~~[for~~  
1426 ~~elective office featured with party affiliation on the ballot at a regular general election]~~ shall  
1427 comply with the requirements of this section ~~[and shall nominate the registered political party's~~  
1428 ~~candidates for elective office in the manner described in this section].~~

1429 ~~[(c) A filing officer may not permit an official ballot at a regular general election to be~~  
1430 ~~produced or used if the ballot denotes affiliation between a registered political party or any~~  
1431 ~~other political group and a candidate for elective office who is not nominated in the manner~~  
1432 ~~prescribed in this section or in Subsection 20A-9-202(4).]~~

1433 ~~[(d) Unless noted otherwise, the dates in this section refer to those that occur in each~~  
1434 ~~even-numbered year in which a regular general election will be held.]~~

1435 (2) (a) ~~[Each]~~ As a condition for using the state's election system, each registered  
1436 political party~~[, in a statement filed with the lieutenant governor,]~~ that wishes to participate in  
1437 the primary election shall:

1438 (i) ~~[either]~~ declare the registered political party's intent to participate in the ~~[next~~  
1439 ~~regular]~~ primary election ~~[or declare that the registered political party chooses not to have the~~  
1440 ~~names of the registered political party's candidates for elective office featured on the ballot at~~  
1441 ~~the next regular general election; and];~~

1442 (ii) ~~[if the registered political party participates in the upcoming regular primary~~  
1443 ~~election,]~~ identify one or more registered political parties whose members may vote for the  
1444 registered political party's candidates and whether individuals identified as unaffiliated with a  
1445 political party may vote for the registered political party's candidates~~[-]; and~~

1446 ~~[(b) (i) A registered political party that is a continuing political party shall file the~~  
1447 ~~statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on~~  
1448 ~~November 30 of each odd-numbered year.]~~

1449 ~~[(ii) An organization that is seeking to become a registered political party under~~  
1450 ~~Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the~~

1451 registered political party files the petition described in Section ~~20A-8-103~~.]

1452       ~~[(3)(a) Except as provided in Subsection (3)(c), an individual who submits a~~  
1453 ~~declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective~~  
1454 ~~office on the regular primary ballot of the registered political party listed on the declaration of~~  
1455 ~~candidacy only if the individual is certified by the appropriate filing officer as having submitted~~  
1456 ~~a set of nomination petitions that was:]~~

1457       ~~[(i) circulated and completed in accordance with Section 20A-9-405; and]~~

1458       ~~[(ii) signed by at least 2% of the registered political party's members who reside in the~~  
1459 ~~political division of the office that the individual seeks.]~~

1460       ~~[(b)(i) A candidate for elective office shall submit nomination petitions to the~~  
1461 ~~appropriate filing officer for verification and certification no later than 5 p.m. on the final day~~  
1462 ~~in March.]~~

1463       ~~[(ii) A candidate may supplement the candidate's submissions at any time on or before~~  
1464 ~~the filing deadline.]~~

1465       ~~[(c)(i) The lieutenant governor shall determine for each elective office the total~~  
1466 ~~number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the~~  
1467 ~~aggregate number of individuals residing in each elective office's political division who have~~  
1468 ~~designated a particular registered political party on the individuals' voter registration forms on~~  
1469 ~~or before November 15 of each odd-numbered year.]~~

1470       ~~[(ii) The lieutenant governor shall publish the determination for each elective office no~~  
1471 ~~later than November 30 of each odd-numbered year.]~~

1472       ~~[(d) The filing officer shall:]~~

1473       ~~[(i) verify signatures on nomination petitions in a transparent and orderly manner;]~~

1474       ~~[(ii) for all qualifying candidates for elective office who submit nomination petitions to~~  
1475 ~~the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the~~  
1476 ~~first Monday after the third Saturday in April;]~~

1477       ~~[(iii) consider active and inactive voters eligible to sign nomination petitions;]~~

1478       ~~[(iv) consider an individual who signs a nomination petition a member of a registered~~  
1479 ~~political party for purposes of Subsection (3)(a)(ii) if the individual has designated that~~  
1480 ~~registered political party as the individual's party membership on the individual's voter~~  
1481 ~~registration form; and]~~



1482 ~~[(v) utilize procedures described in Section 20A-7-206.3 to verify submitted~~  
1483 ~~nomination petition signatures, or use statistical sampling procedures to verify submitted~~  
1484 ~~nomination petition signatures in accordance with rules made under Subsection (3)(f).]~~

1485 ~~[(e) Notwithstanding any other provision in this Subsection (3), a candidate for~~  
1486 ~~lieutenant governor may appear on the regular primary ballot of a registered political party~~  
1487 ~~without submitting nomination petitions if the candidate files a declaration of candidacy and~~  
1488 ~~complies with Subsection 20A-9-202(3).]~~

1489 ~~[(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~  
1490 ~~director of elections, within the Office of the Lieutenant Governor, shall make rules that:]~~

1491 ~~[(i) provide for the use of statistical sampling procedures that:]~~

1492 ~~[(A) filing officers are required to use to verify signatures under Subsection (3)(d);~~  
1493 ~~and]~~

1494 ~~[(B) reflect a bona fide effort to determine the validity of a candidate's entire~~  
1495 ~~submission, using widely recognized statistical sampling techniques; and]~~

1496 ~~[(ii) provide for the transparent, orderly, and timely submission, verification, and~~  
1497 ~~certification of nomination petition signatures.]~~

1498 (iii) certify the information described in this Subsection (2)(a) to the lieutenant  
1499 governor no later than 5 p.m. on March 1 of each even-numbered year.

1500 (b) As a condition for using the state's election system, each registered political party  
1501 that wishes to participate in the primary election shall:

1502 (i) certify the name and office of each of the registered political party's candidates to  
1503 the lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in  
1504 April of each even-numbered year and indicate which of the candidates will be on the primary  
1505 ballot; and

1506 (ii) certify the name and office of each of the registered political party's county  
1507 candidates to the county clerks by 5 p.m. on the first Monday after the third Saturday in April  
1508 of each even-numbered year and indicate which of the candidates will be on the primary ballot.

1509 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each  
1510 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the  
1511 names of all statewide candidates, multicounty candidates, or single county candidates that  
1512 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in

1513 accordance with Section 20A-6-305.

1514 (d) Except for presidential candidates, if a registered political party does not wish to  
1515 participate in the primary election, the registered political party shall submit the names of the  
1516 registered political party's county candidates to the county clerks and the names of all of the  
1517 registered political party's candidates to the lieutenant governor by 5 p.m. on May 30 of each  
1518 even-numbered year.

1519 ~~[(g)]~~ (3) The county clerk shall:

1520 ~~[(i)]~~ (a) review the declarations of candidacy filed by candidates for local boards of  
1521 education to determine if more than two candidates have filed for the same seat;

1522 ~~[(ii)]~~ (b) place the names of all candidates who have filed a declaration of candidacy  
1523 for a local board of education seat on the nonpartisan section of the ballot if more than two  
1524 candidates have filed for the same seat; and

1525 ~~[(iii)]~~ (c) determine the order of the ~~[local board of education]~~ candidates' names on the  
1526 ballot in accordance with Section 20A-6-305.

1527 ~~[(4)(a) By 5 p.m. on the first Wednesday after the third Saturday in April, the~~  
1528 ~~lieutenant governor shall provide to the county clerks:]~~

1529 ~~[(i) a list of the names of all candidates for federal, constitutional, multi-county, single~~  
1530 ~~county, and county offices who have received certifications under Subsection (3), along with~~  
1531 ~~instructions on how those names shall appear on the primary election ballot in accordance with~~  
1532 ~~Section 20A-6-305; and]~~

1533 ~~[(ii) a list of unopposed candidates for elective office who have been nominated by a~~  
1534 ~~registered political party under Subsection (5)(c) and instruct the county clerks to exclude the~~  
1535 ~~unopposed candidates from the primary election ballot.]~~

1536 ~~[(b) A candidate for lieutenant governor and a candidate for governor campaigning as~~  
1537 ~~joint-ticket running mates shall appear jointly on the primary election ballot.]~~

1538 ~~[(e)]~~ (4) After the county clerk receives the certified list from ~~[the lieutenant governor~~  
1539 ~~under Subsection (4)(a)]~~ a registered political party, the county clerk shall post or publish a  
1540 primary election notice in substantially the following form:

1541 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,

1542 \_\_\_\_ (year), to nominate party candidates for the parties and ~~[candidates for]~~ nonpartisan

1543 ~~[local school board positions]~~ offices listed on the primary ballot. The polling place for voting

1544 precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same  
1545 day. Attest: county clerk."

1546 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary  
1547 election, receives the highest number of votes cast for the office sought by the candidate is [~~is~~  
1548 ~~(i)~~] nominated for that office by the candidate's registered political party [~~;~~~~or~~] or nonpartisan  
1549 group.

1550 [~~(ii) for a nonpartisan local school board position, nominated for that office.~~]

1551 (b) If two or more candidates, other than presidential candidates, are to be elected to  
1552 the office at the regular general election, those party candidates equal in number to positions to  
1553 be filled who receive the highest number of votes at the regular primary election are the  
1554 nominees of the candidates' party for those positions.

1555 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1556 (A) no individual other than the candidate receives a certification under Subsection  
1557 [~~(3)~~] (2) for the regular primary election ballot of the candidate's registered political party for a  
1558 particular elective office; or

1559 (B) for an office where more than one individual is to be elected or nominated, the  
1560 number of candidates who receive certification under Subsection [~~(3)~~] (2) for the regular  
1561 primary election of the candidate's registered political party does not exceed the total number of  
1562 candidates to be elected or nominated for that office.

1563 (ii) A candidate who is unopposed for an elective office in the regular primary election  
1564 of a registered political party is nominated by the party for that office without appearing on the  
1565 primary election ballot.

1566 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1567 office that represents more than one county, the governor, lieutenant governor, and attorney  
1568 general shall, at a public meeting called by the governor and in the presence of the candidates  
1569 involved, select the nominee by lot cast in whatever manner the governor determines.

1570 (b) When a tie vote occurs in any primary election for any county office, the district  
1571 court judges of the district in which the county is located shall, at a public meeting called by  
1572 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1573 whatever manner the judges determine.

1574 (7) The expense of providing all ballots, blanks, or other supplies to be used at any

1575 primary election provided for by this section, and all expenses necessarily incurred in the  
1576 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
1577 county or state, in the same manner as for the regular general elections.

1578 (8) An individual may not file a declaration of candidacy for a registered political party  
1579 of which the individual is not a member, except to the extent that the registered political party  
1580 permits otherwise under the registered political party's bylaws.

1581 Section 16. Section **20A-9-404** is amended to read:

1582 **20A-9-404. Municipal primary elections.**

1583 (1) (a) Except as otherwise provided in this section, candidates for municipal office in  
1584 all municipalities shall be nominated at a municipal primary election.

1585 (b) Municipal primary elections shall be held:

1586 (i) consistent with Section **20A-1-201.5**, on the second Tuesday following the first  
1587 Monday in the August before the regular municipal election; and

1588 (ii) whenever possible, at the same polling places as the regular municipal election.

1589 (2) If the number of candidates for a particular municipal office does not exceed twice  
1590 the number of individuals needed to fill that office, a primary election for that office may not  
1591 be held and the candidates are considered nominated.

1592 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly  
1593 of voters or delegates.

1594 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal  
1595 election, any third, fourth, or fifth class city or town may exempt itself from a primary election  
1596 by providing that the nomination of candidates for municipal office to be voted upon at a  
1597 municipal election be nominated by a political party convention or committee.

1598 (ii) Any primary election exemption ordinance adopted under the authority of this  
1599 Subsection (3) remains in effect until repealed by ordinance.

1600 (c) (i) A convention or committee may not nominate ~~[(A) an individual who has not~~  
1601 ~~submitted a declaration of candidacy, or has not been nominated by a nomination petition,~~  
1602 ~~under Section **20A-9-203**; or (B)]~~ more than one group of candidates, or have placed on the  
1603 ballot more than one group of candidates, for the municipal offices to be voted upon at the  
1604 municipal election.

1605 (ii) A convention or committee may nominate an individual who has been nominated

1606 by a different convention or committee.

1607 (iii) A political party may not have more than one group of candidates placed upon the  
1608 ballot and may not group the same candidates on different tickets by the same party under a  
1609 different name or emblem.

1610 (d) (i) The convention or committee shall prepare a certificate of nomination for each  
1611 individual nominated.

1612 (ii) The certificate of nomination shall:

1613 (A) contain the name of the office for which each individual is nominated, the name,  
1614 post office address, and, if in a city, the street number of residence and place of business, if  
1615 any, of each individual nominated;

1616 (B) designate in not more than five words the political party that the convention or  
1617 committee represents;

1618 (C) contain a copy of the resolution passed at the convention that authorized the  
1619 committee to make the nomination;

1620 (D) contain a statement certifying that the name of the candidate nominated by the  
1621 political party will not appear on the ballot as a candidate for any other political party;

1622 (E) be signed by the presiding officer and secretary of the convention or committee;  
1623 and

1624 (F) contain a statement identifying the residence and post office address of the  
1625 presiding officer and secretary and certifying that the presiding officer and secretary were  
1626 officers of the convention or committee and that the certificates are true to the best of their  
1627 knowledge and belief.

1628 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days  
1629 before the municipal general election.

1630 (e) A committee appointed at a convention, if authorized by an enabling resolution,  
1631 may also make nominations or fill vacancies in nominations made at a convention.

1632 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,  
1633 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall  
1634 be included with the candidate's name.

1635 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1  
1636 that falls before the regular municipal election that:

1637 (i) exempts the city from the other methods of nominating candidates to municipal  
1638 office provided in this section; and

1639 (ii) provides for a partisan primary election method of nominating candidates as  
1640 provided in this Subsection (4).

1641 (b) (i) Any party that was a registered political party at the last regular general election  
1642 or regular municipal election is a municipal political party under this section.

1643 (ii) Any political party may qualify as a municipal political party by presenting a  
1644 petition to the city recorder that:

1645 (A) is signed, with a holographic signature, by registered voters within the municipality  
1646 equal to at least 20% of the number of votes cast for all candidates for mayor in the last  
1647 municipal election at which a mayor was elected;

1648 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1649 (C) is substantially similar to the form of the signature sheets described in Section  
1650 [20A-7-303](#); and

1651 (D) contains the name of the municipal political party using not more than five words.

1652 (c) (i) If the number of candidates for a particular office does not exceed twice the  
1653 number of offices to be filled at the regular municipal election, no partisan primary election for  
1654 that office shall be held and the candidates are considered to be nominated.

1655 (ii) If the number of candidates for a particular office exceeds twice the number of  
1656 offices to be filled at the regular municipal election, those candidates for municipal office shall  
1657 be nominated at a partisan primary election.

1658 (d) The clerk shall ensure that:

1659 (i) the partisan municipal primary ballot is similar to the ballot forms required by  
1660 Sections [20A-6-401](#) and [20A-6-401.1](#);

1661 (ii) the candidates for each municipal political party are listed in one or more columns  
1662 under their party name and emblem;

1663 (iii) the names of candidates of all parties are printed on the same ballot, but under  
1664 their party designation;

1665 (iv) every ballot is folded and perforated in a manner that separates the candidates of  
1666 one party from those of the other parties and enables the voter to separate the part of the ballot  
1667 containing the names of the party of the voter's choice from the remainder of the ballot; and

1668 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,  
1669 when detached, are similar in appearance to inside sections when detached.

1670 (e) After marking a municipal primary ballot, the voter shall:

1671 (i) detach the part of the ballot containing the names of the candidates of the party the  
1672 voter has voted from the rest of the ballot;

1673 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;  
1674 and

1675 (iii) fold the remainder of the ballot containing the names of the candidates of the  
1676 parties for whom the elector did not vote and deposit it in the blank ballot box.

1677 (f) Immediately after the canvass, the election judges shall, without examination,  
1678 destroy the tickets deposited in the blank ballot box.

1679 Section 17. Section **20A-9-406.5** is enacted to read:

1680 **20A-9-406.5. Political party -- Change of status.**

1681 (1) If, on or after October 1 of an odd-numbered year, and on or before the following  
1682 regular general election, a qualified political party changes the qualified political party's bylaws  
1683 in a manner that would have the effect of the political party no longer being a qualified political  
1684 party, the lieutenant governor:

1685 (a) may not take any action recognizing the changes until after the regular general  
1686 election; and

1687 (b) shall conduct the election in a manner consistent with the political party's status as a  
1688 qualified political party.

1689 (2) If, on or after October 1 of an odd-numbered year, and on or before the following  
1690 regular general election, a registered political party that is not a qualified political party  
1691 changes the registered political party's bylaws in a manner that would have the effect of the  
1692 political party being a qualified political party, the lieutenant governor:

1693 (a) may not take any action recognizing the changes until after the regular general  
1694 election; and

1695 (b) shall conduct the election in a manner consistent with the political party's status as a  
1696 registered political party that is not a qualified political party.

1697 Section 18. Section **20A-9-701** is amended to read:

1698 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1699 (1) No later than August 31 of each regular general election year, the lieutenant  
1700 governor shall certify to each county clerk~~[-, for offices to be voted upon at the regular general~~  
1701 ~~election in that county clerk's county: (a)]~~ the names of each candidate [~~nominated under~~  
1702 ~~Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and (b) the names of the], including  
1703 candidates for president and vice president that are certified by the registered political party as  
1704 the party's nominees, for offices to be voted upon at the regular general election in that county  
1705 clerk's county.~~

1706 (2) The names shall be certified by the lieutenant governor and shall be displayed on  
1707 the ballot as they are provided on the candidate's declaration of candidacy. [~~No other names~~  
1708 ~~may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered~~  
1709 ~~political party, political party, or other political group.]~~

1710 Section 19. **Repealer.**

1711 This bill repeals:

1712 Section **20A-1-103, Severability clause.**

1713 Section **20A-9-405, Nomination petitions for regular primary elections.**

1714 Section **20A-9-406, Qualified political party -- Requirements and exemptions.**

1715 Section **20A-9-407, Convention process to seek the nomination of a qualified**  
1716 **political party.**

1717 Section **20A-9-408, Signature-gathering process to seek the nomination of a**  
1718 **qualified political party.**

1719 Section **20A-9-408.5, Declaration of candidacy form for qualified political party.**

1720 Section **20A-9-409, Primary election provisions relating to qualified political party.**

1721 Section **20A-9-410, Rulemaking authority.**

1722 Section **20A-9-411, Signing multiple nomination petitions.**

1723 Section 20. **Effective date.**

1724 (1) Except as provided in Subsection (2), this bill takes effect on January 1, 2019.

1725 (2) (a) If this bill is approved by two-thirds of all the members elected to each house,  
1726 the enactment of Section 20A-9-406.5 takes effect upon approval by the governor, or the day  
1727 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the  
1728 governor's signature, or in the case of a veto, the date of veto override.

1729 (b) If this bill is not approved by two-thirds of all the members elected to each house,



1730 the enactment of Section [20A-9-406.5](#) takes effect on May 8, 2018, unless this bill is vetoed by  
1731 the governor.