

Representative Merrill F. Nelson proposes the following substitute bill:

ELECTION LAW AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill amends provisions in the Election Code.

Highlighted Provisions:

This bill:

- ▶ prohibits a voter from using a sticker or label to cast a vote on a paper ballot for a write-in candidate;
- ▶ changes the deadline for filing a declaration of candidacy as a write-in candidate;
- ▶ amends provisions related to municipal candidate nomination processes;
- ▶ establishes a filing fee for a write-in candidate; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3-105, as last amended by Laws of Utah 2018, Chapter 187

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



- 26 **20A-9-201**, as last amended by Laws of Utah 2018, Chapter 11
 - 27 **20A-9-203**, as last amended by Laws of Utah 2018, Chapters 11 and 365
 - 28 **20A-9-404**, as last amended by Laws of Utah 2018, Chapters 187 and 274
 - 29 **20A-9-601**, as last amended by Laws of Utah 2018, Chapters 11 and 80
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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **20A-3-105** is amended to read:

33 **20A-3-105. Marking and depositing ballots.**

34 (1) (a) Except as provided in Subsection (5), if a paper ballot is used, the voter, upon
35 receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the
36 appropriate position with a mark opposite the name of each candidate of the voter's choice for
37 each office to be filled.

38 (b) Except as provided in Subsections (5) and (6), a mark is not required opposite the
39 name of a write-in candidate.

40 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in
41 the appropriate square with a mark opposite the answer the voter intends to make.

42 (d) Before leaving the booth, the voter shall:

43 (i) fold the ballot so that its contents are concealed and the stub can be removed; and

44 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
45 envelope and complete the information printed on the envelope.

46 (2) (a) (i) Subject to Subsection (5), if a punch card ballot is used, the voter shall insert
47 the ballot sheet into the voting device and mark the ballot sheet according to the instructions
48 provided on the device.

49 (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the
50 voter shall record any write-in votes on the long stub.

51 (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record
52 any write-in votes on the secrecy envelope.

53 (b) After the voter has marked the ballot sheet, the voter shall either:

54 (i) place the ballot sheet inside the secrecy envelope, if one is provided; or

55 (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the
56 vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.

57 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
58 provisional ballot envelope and complete the information printed on the envelope.

59 (3) (a) Subject to Subsection (5), if a ballot sheet other than a punch card is used, the
60 voter shall mark the ballot sheet according to the instructions provided on the voting device or
61 ballot sheet.

62 (b) Except as provided in Subsections (5) and (6), the voter shall record a write-in vote
63 by:

64 (i) marking the position opposite the area for entering a write-in candidate; and

65 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
66 [~~for by means of: (A) writing; (B) a label; or (C)] by writing the name of the candidate in the
67 blank write-in section of the ballot or entering the name using the voting device.~~

68 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
69 provisional ballot envelope and complete the information printed on the envelope.

70 (4) (a) Subject to Subsection (5), if an electronic ballot is used, the voter shall:

71 (i) insert the ballot access card into the voting device; and

72 (ii) make the selections according to the instructions provided on the device.

73 (b) Except as provided in Subsections (5) and (6), the voter shall record a write-in vote
74 by:

75 (i) marking the appropriate position opposite the area for entering a write-in candidate;
76 and

77 (ii) using the voting device to enter the name of the valid write-in candidate for whom
78 the voter wishes to vote.

79 (5) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,
80 Municipal Alternate Voting Methods Pilot Project, a voter:

81 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
82 first preference for the office; and

83 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
84 order of the voter's preference.

85 (6) After preparation of the ballot:

86 (a) if a paper ballot or punch card ballot is used:

87 (i) the voter shall:

- 88 (A) leave the voting booth; and
- 89 (B) announce the voter's name to the poll worker in charge of the ballot box;
- 90 (ii) the poll worker in charge of the ballot box shall:
- 91 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 92 the voter's ballot;
- 93 (B) if the stub number on the ballot corresponds with the number previously recorded
- 94 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;
- 95 and
- 96 (C) return the ballot to the voter;
- 97 (iii) the voter shall, in full view of the poll workers, cast the voter's vote by depositing
- 98 the ballot in the ballot box; and
- 99 (iv) if the stub has been detached from the ballot:
- 100 (A) the poll worker may not accept the ballot; and
- 101 (B) the poll worker shall:
- 102 (I) treat the ballot as a spoiled ballot;
- 103 (II) provide the voter with a new ballot; and
- 104 (III) dispose of the spoiled ballot as provided in Section [20A-3-107](#);
- 105 (b) if a ballot sheet other than a punch card is used:
- 106 (i) the voter shall:
- 107 (A) leave the voting booth; and
- 108 (B) announce the voter's name to the poll worker in charge of the ballot box;
- 109 (ii) the poll worker in charge of the ballot box shall:
- 110 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 111 the voter's ballot; and
- 112 (B) if the stub number on the ballot corresponds with the number previously recorded
- 113 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
- 114 and
- 115 (iii) the voter shall, in full view of the poll workers, cast ~~his~~ the voter's vote by
- 116 depositing the ballot in the ballot box; and
- 117 (c) if an electronic ballot is used, the voter shall:
- 118 (i) cast the voter's ballot;

119 (ii) remove the ballot access card from the voting device; and

120 (iii) return the ballot access card to a designated poll worker.

121 (7) A voter voting a paper ballot in a regular primary election shall, after marking the
122 ballot:

123 (a) (i) if the ballot is designed so that the names of all candidates for all political parties
124 are on the same ballot, detach the part of the paper ballot containing the names of the
125 candidates of the party the voter has voted from the remainder of the paper ballot;

126 (ii) fold that portion of the paper ballot so that its face is concealed; and

127 (iii) deposit it in the ballot box; and

128 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of
129 the parties that the elector did not vote; and

130 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot
131 box.

132 (8) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
133 leave the voting area after voting.

134 (b) A voter may not:

135 (i) occupy a voting booth occupied by another, except as provided in Section
136 [20A-3-108](#);

137 (ii) remain within the voting area more than 10 minutes; or

138 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
139 voters are waiting to occupy them.

140 (9) If the official register shows any voter as having voted, that voter may not reenter
141 the voting area during that election unless that voter is an election official or watcher.

142 (10) The poll workers may not allow more than four voters more than the number of
143 voting booths into the voting area at one time unless those excess voters are:

144 (a) election officials;

145 (b) watchers; or

146 (c) assisting voters with a disability.

147 Section 2. Section **20A-3-106** is amended to read:

148 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**
149 **of unnecessary marking of cross.**

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

- 152 (a) mark in the circle or position above that political party;
- 153 (b) mark in the squares or position opposite the names of all candidates for that party
154 ticket; or
- 155 (c) make both markings.

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

- 158 (i) mark the selected party on the straight party page or section; or
- 159 (ii) mark the name of each candidate from that party.
- 160 (b) To vote for candidates from two or more political parties, the voter may:
 - 161 (i) mark in the squares or positions opposite the names of the candidates for whom the
162 voter wishes to vote without marking in any circle; or
 - 163 (ii) indicate the voter's choice by:
 - 164 (A) marking in the circle or position above one political party; and
 - 165 (B) marking in the squares or positions opposite the names of desired candidates who
166 are members of any party, are unaffiliated, or are listed without party name.

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

- 169 (i) select that party on the straight party selection area; or
- 170 (ii) select the name of each candidate from that party.
- 171 (b) To vote for candidates from two or more political parties, the voter may:
 - 172 (i) select the names of the candidates for whom the voter wishes to vote without
173 selecting a political party in the straight party selection area; or
 - 174 (ii) (A) select a political party in the straight party selection area; and
 - 175 (B) select the names of the candidates for whom the voter wishes to vote who are
176 members of any party, are unaffiliated, or are listed without party name.

177 (4) In any election other than a primary election, if a voter voting a ballot has selected
178 or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote
179 for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall
180 select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.

181 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet~~[(i) by~~
 182 ~~entering the name of a valid write-in candidate:(A)]~~ by writing the name of a valid write-in
 183 candidate in the blank write-in section of the ballot~~;~~~~or~~.

184 ~~[(B) by affixing a sticker with the office and name of the valid write-in name printed~~
 185 ~~on it in the blank write-in part of the ballot; and]~~

186 ~~[(ii) by placing a mark opposite the name of the write-in candidate to indicate the~~
 187 ~~voter's vote.]~~

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

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

193 (b) A voter may not cast a write-in vote on a paper ballot or ballot sheet by affixing a
 194 sticker or label with the name of a write-in candidate in the blank write-in section of the ballot.

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

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

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

199 Section 3. Section **20A-9-201** is amended to read:

200 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
 201 **more than one political party prohibited with exceptions -- General filing and form**
 202 **requirements -- Affidavit of impecuniosity.**

203 (1) Before filing a declaration of candidacy for election to any office, an individual
 204 shall:

205 (a) be a United States citizen;

206 (b) meet the legal requirements of that office; and

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

209 (i) the registered political party of which the individual is a member; or

210 (ii) that the individual is not a member of a registered political party.

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

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

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

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

218 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
219 president or vice president of the United States and another office, if the individual resigns the
220 individual's candidacy for the other office after the individual is officially nominated for
221 president or vice president of the United States.

222 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
223 than one justice court judge office.

224 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
225 the individual filed a declaration of candidacy for another office in the same election year if the
226 individual withdraws as a candidate for the other office in accordance with Subsection
227 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

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

230 (i) read to the individual the constitutional and statutory qualification requirements for
231 the office that the individual is seeking; and

232 (ii) require the individual to state whether the individual meets those requirements.

233 (b) Before accepting a declaration of candidacy for the office of county attorney, the
234 county clerk shall ensure that the individual filing that declaration of candidacy is:

235 (i) a United States citizen;

236 (ii) an attorney licensed to practice law in the state who is an active member in good
237 standing of the Utah State Bar;

238 (iii) a registered voter in the county in which the individual is seeking office; and

239 (iv) a current resident of the county in which the individual is seeking office and either
240 has been a resident of that county for at least one year or was appointed and is currently serving
241 as county attorney and became a resident of the county within 30 days after appointment to the
242 office.

243 (c) Before accepting a declaration of candidacy for the office of district attorney, the
244 county clerk shall ensure that, as of the date of the election, the individual filing that
245 declaration of candidacy is:

246 (i) a United States citizen;

247 (ii) an attorney licensed to practice law in the state who is an active member in good
248 standing of the Utah State Bar;

249 (iii) a registered voter in the prosecution district in which the individual is seeking
250 office; and

251 (iv) a current resident of the prosecution district in which the individual is seeking
252 office and either will have been a resident of that prosecution district for at least one year as of
253 the date of the election or was appointed and is currently serving as district attorney and
254 became a resident of the prosecution district within 30 days after receiving appointment to the
255 office.

256 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
257 county clerk shall ensure that the individual filing the declaration:

258 (i) is a United States citizen;

259 (ii) is a registered voter in the county in which the individual seeks office;

260 (iii) (A) has successfully met the standards and training requirements established for
261 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
262 Certification Act; or

263 (B) has met the waiver requirements in Section 53-6-206;

264 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
265 53-13-103; and

266 (v) as of the date of the election, will have been a resident of the county in which the
267 individual seeks office for at least one year.

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

271 (i) that the individual filing the declaration of candidacy also files the financial
272 disclosure required by Section 20A-11-1603; and

273 (ii) if the filing officer is not the lieutenant governor, that the individual provides the

274 financial disclosure to the lieutenant governor in accordance with Section [20A-11-1603](#).

275 (4) If an individual who files a declaration of candidacy does not meet the qualification
276 requirements for the office the individual is seeking, the filing officer may not accept the
277 individual's declaration of candidacy.

278 (5) If an individual who files a declaration of candidacy meets the requirements
279 described in Subsection (3), the filing officer shall:

280 (a) inform the individual that:

281 (i) the individual's name will appear on the ballot as the individual's name is written on
282 the individual's declaration of candidacy;

283 (ii) the individual may be required to comply with state or local campaign finance
284 disclosure laws; and

285 (iii) the individual is required to file a financial statement before the individual's
286 political convention under:

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

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

289 (C) local campaign finance disclosure laws, if applicable;

290 (b) except for a presidential candidate, provide the individual with a copy of the current
291 campaign financial disclosure laws for the office the individual is seeking and inform the
292 individual that failure to comply will result in disqualification as a candidate and removal of
293 the individual's name from the ballot;

294 (c) provide the individual with a copy of Section [20A-7-801](#) regarding the Statewide
295 Electronic Voter Information Website Program and inform the individual of the submission
296 deadline under Subsection [20A-7-801\(4\)\(a\)](#);

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

299 (i) signing the pledge is voluntary; and

300 (ii) signed pledges shall be filed with the filing officer;

301 (e) accept the individual's declaration of candidacy; and

302 (f) if the individual has filed for a partisan office, provide a certified copy of the
303 declaration of candidacy to the chair of the county or state political party of which the
304 individual is a member.

305 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
306 officer shall:

307 (a) accept the candidate's pledge; and

308 (b) if the candidate has filed for a partisan office, provide a certified copy of the
309 candidate's pledge to the chair of the county or state political party of which the candidate is a
310 member.

311 (7) (a) Except for a candidate for president or vice president of the United States, the
312 form of the declaration of candidacy shall:

313 (i) be substantially as follows:

314 "State of Utah, County of _____

315 I, _____, declare my candidacy for the office of _____, seeking the
316 nomination of the _____ party. I do solemnly swear that: I will meet the qualifications to
317 hold the office, both legally and constitutionally, if selected; I reside at _____
318 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
319 knowingly violate any law governing campaigns and elections; if filing via a designated
320 agent, I will be out of the state of Utah during the entire candidate filing period; I will
321 file all campaign financial disclosure reports as required by law; and I understand that
322 failure to do so will result in my disqualification as a candidate for this office and
323 removal of my name from the ballot. The mailing address that I designate for receiving
324 official election notices is _____.

325 _____

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

327 Notary Public (or other officer qualified to administer oath)."; and

328 (ii) require the candidate to state, in the sworn statement described in Subsection
329 (7)(a)(i):

330 (A) the registered political party of which the candidate is a member; or

331 (B) that the candidate is not a member of a registered political party.

332 (b) An agent designated under Subsection 20A-9-202(1)(b) to file a declaration of
333 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

334 (8) (a) Except as provided in Section 20A-9-601, and except for presidential
335 candidates, the fee for filing a declaration of candidacy is:

336 (i) \$50 for candidates for the local school district board; and
337 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
338 person holding the office for all other federal, state, and county offices.

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

341 (i) who is disqualified; or

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

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

345 (ii) The lieutenant governor shall:

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

348 (B) ensure that each county receives that proportion of the total amount paid to the
349 lieutenant governor from the congressional district that the total vote of that county for all
350 candidates for representative in Congress bears to the total vote of all counties within the
351 congressional district for all candidates for representative in Congress.

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

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

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

360 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
361 considered an offense under this title for the purposes of assessing the penalties provided in
362 Subsection 20A-1-609(2).

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

365 "Affidavit of Impecuniosity

366 Individual Name

367 _____ Address _____

368 Phone Number _____

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

372 Date _____ Signature _____

373 Affiant

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

375 _____
376 (signature)

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

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

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

384 (vi) The filing officer may request that a person who makes a claim of impecuniosity
385 under this Subsection (8)(d) file a financial statement on a form prepared by the election
386 official.

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

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

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

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

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

397 (iii) provide a letter from the registered political party certifying that the candidate may

398 participate as a candidate for that party in that party's presidential primary election; and

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

400 (b) A designated agent described in Subsection (9)(a)(i) may not sign the form
401 described in Subsection (9)(a)(i)(A).

402 (10) An individual who fails to file a declaration of candidacy or certificate of
403 nomination within the time provided in this chapter is ineligible for nomination to office.

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

406 Section 4. Section **20A-9-203** is amended to read:

407 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

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

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

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

427 (3) (a) An individual seeking to become a candidate for a municipal office shall,
428 regardless of the nomination method by which the individual is seeking to become a candidate:

429 (i) except as provided in Subsection (3)(b), and subject to Subsection 20A-9-404(3)(e),
430 file a declaration of candidacy, in person with the city recorder or town clerk, during the office
431 hours described in Section 10-3-301 and not later than the close of those office hours, between
432 June 1 and June 7 of any odd-numbered year; and

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

434 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
435 declaration of candidacy with the city recorder or town clerk if:

436 (i) the individual is located outside of the state during the entire filing period;

437 (ii) the designated agent appears in person before the city recorder or town clerk;

438 (iii) the individual communicates with the city recorder or town clerk using an
439 electronic device that allows the individual and city recorder or town clerk to see and hear each
440 other; and

441 (iv) the individual provides the city recorder or town clerk with an email address to
442 which the city recorder or town clerk may send the individual the copies described in
443 Subsection (4).

444 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

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

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

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

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

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

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

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

459 (i) inform the candidate that the candidate's name will appear on the ballot as it is

460 written on the declaration of candidacy;

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

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

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

469 (A) signing the pledge is voluntary; and

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

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

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

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

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

478 (5) (a) The declaration of candidacy shall be in substantially the following form:

479 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
480 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
481 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
482 the legal qualifications required of candidates for this office. If filing via a designated agent, I
483 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
484 all campaign financial disclosure reports as required by law and I understand that failure to do
485 so will result in my disqualification as a candidate for this office and removal of my name from
486 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

487 _____

488 Subscribed and sworn to (or affirmed) before me by ____ on this
489 _____(month\day\year).

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

491 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
492 not sign the form described in Subsection (5)(a).

493 (6) If the declaration of candidacy or nomination petition fails to state whether the
494 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
495 for the four-year term.

496 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
497 voters.

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

500 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
501 clerk shall:

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

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

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

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

508 (9) Except as provided in Subsection (10)(c), an individual may not amend a
509 declaration of candidacy or nomination petition filed under this section after the candidate
510 filing period ends.

511 (10) (a) A declaration of candidacy or nomination petition that an individual files under
512 this section is valid unless a person files a written objection with the clerk within five days
513 after the last day for filing.

514 (b) If a person files an objection, the clerk shall:

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

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

518 (c) If the clerk sustains the objection, the candidate may, within three days after the day
519 on which the clerk sustains the objection, correct the problem for which the objection is

520 sustained by amending the candidate's declaration of candidacy or nomination petition, or by
521 filing a new declaration of candidacy.

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

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

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

527 (11) A candidate who qualifies for the ballot under this section may withdraw as a
528 candidate by filing a written affidavit with the municipal clerk.

529 Section 5. Section **20A-9-404** is amended to read:

530 **20A-9-404. Municipal primary elections.**

531 (1) (a) Except as otherwise provided in this section or Title 20A, Chapter 4, Part 6,
532 Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all
533 municipalities shall be nominated at a municipal primary election.

534 (b) Municipal primary elections shall be held:

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

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

538 (2) Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate
539 Voting Methods Pilot Project, if the number of candidates for a particular municipal office
540 does not exceed twice the number of individuals needed to fill that office, a primary election
541 for that office may not be held and the candidates are considered nominated.

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

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

548 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
549 shall be held on or before May 30 of an odd-numbered year.

550 ~~[(†)]~~ (iii) Any primary election exemption ordinance adopted under ~~[the authority of]~~

551 this Subsection (3) remains in effect until repealed by ordinance.

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

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

559 (iii) A ~~[political]~~ municipal party may not have more than one group of candidates
560 placed upon the ballot and may not group the same candidates on different tickets by the same
561 party under a different name or emblem.

562 (d) (i) ~~[The]~~ On or before May 31 of an odd-numbered year, a convention or committee
563 shall prepare and submit to the filing officer a certificate of nomination for each individual
564 nominated.

565 (ii) The certificate of nomination shall:

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

569 (B) designate in not more than five words the ~~[political]~~ party that the convention or
570 committee represents;

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

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

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

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

581 ~~[(iii) Certificates of nomination shall be filed with the clerk not later than 80 days~~

582 ~~before the municipal general election.]~~

583 (iii) A candidate nominated by a municipal party convention or committee shall file a
584 declaration with the filing officer in accordance with Subsection 20A-9-203(3) that includes:

585 (A) the name of the municipal party or convention that nominated the candidate; and

586 (B) the office for which the convention or committee nominated the candidate.

587 (e) A committee appointed at a convention, if authorized by an enabling resolution,
588 may also make nominations or fill vacancies in nominations made at a convention~~[-]~~ if the
589 committee makes the nomination before the deadline for a write-in candidate to file a
590 declaration of candidacy under Section 20A-9-601.

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

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

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

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

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

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

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

607 (B) is filed with the city recorder ~~[by May 31 of any odd-numbered year]~~ before the
608 political party holds a convention to nominate a candidate under this Subsection (4);

609 (C) is substantially similar to the form of the signature sheets described in Section
610 20A-7-303; and

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

612 (c) (i) If the number of candidates for a particular office does not exceed twice the

613 number of offices to be filled at the regular municipal election, no ~~[partisan]~~ primary election
614 for that office shall be held and the candidates are considered to be nominated.

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

618 (d) The clerk shall ensure that~~[-(i)]~~ the partisan municipal primary ballot is similar to
619 the ballot forms required by ~~[Sections]~~ Section 20A-6-401 and, as applicable, Section
620 20A-6-401.1~~[-];~~.

621 ~~[(ii) the candidates for each municipal political party are listed in one or more columns~~
622 ~~under their party name and emblem;]~~

623 ~~[(iii) the names of candidates of all parties are printed on the same ballot, but under~~
624 ~~their party designation; and]~~

625 ~~[(iv) every ballot separates the candidates of one party from those of the other parties.]~~

626 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
627 blank ballot box.

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

630 Section 6. Section **20A-9-601** is amended to read:

631 **20A-9-601. Qualifying as a write-in candidate.**

632 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a
633 valid write-in candidate shall file a declaration of candidacy in person, or through a designated
634 agent for a candidate for president or vice president of the United States, with the appropriate
635 filing officer not later than ~~[60]~~ 65 days before the regular general election or a municipal
636 general election in which the individual intends to be a write-in candidate.

637 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
638 declaration of candidacy for president of the United States.

639 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
640 declaration of candidacy with the appropriate filing officer if:

641 (A) the individual is located outside of the state during the entire filing period;

642 (B) the designated agent appears in person before the filing officer; and

643 (C) the individual communicates with the filing officer using an electronic device that

644 allows the individual and filing officer to see and hear each other.

645 (2) (a) The form of the declaration of candidacy for a write-in candidate for all offices,
646 except president or vice president of the United States, is substantially as follows:

647 "State of Utah, County of _____

648 I, _____, declare my intention of becoming a candidate for the office of
649 _____ for the _____ district (if applicable). I do solemnly swear that: I will meet the

650 qualifications to hold the office, both legally and constitutionally, if selected; I reside at

651 _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will

652 not knowingly violate any law governing campaigns and elections; if filing via a designated

653 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all

654 campaign financial disclosure reports as required by law; and I understand that failure to do so

655 will result in my disqualification as a candidate for this office and rejection of any votes cast

656 for me. The mailing address that I designate for receiving official election notices is

657 _____.

658 _____

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

660 Notary Public (or other officer qualified to administer oath)."

661 (b) The form of the declaration of candidacy for a write-in candidate for president of
662 the United States is substantially as follows:

663 "State of Utah, County of _____

664 I, _____, declare my intention of becoming a candidate for the office of the
665 president of the United States. I do solemnly swear that: I will meet the qualifications to hold

666 the office, both legally and constitutionally, if selected; I reside at _____ in the City

667 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate

668 any law governing campaigns and elections. The mailing address that I designate for receiving

669 official election notices is _____. I designate _____ as

670 my vice presidential candidate.

671 _____

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

673 Notary Public (or other officer qualified to administer oath.)"

674 (c) A declaration of candidacy for a write-in candidate for vice president of the United

675 States shall be in substantially the same form as a declaration of candidacy described in
676 Subsection [20A-9-202\(7\)](#).

677 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
678 Subsection (2)(a) or (b).

679 (3) (a) The filing officer shall:

680 (i) read to the candidate the constitutional and statutory requirements for the office; and

681 (ii) ask the candidate whether [~~or not~~] the candidate meets the requirements.

682 (b) If the candidate cannot meet the requirements of office, the filing officer may not
683 accept the write-in candidate's declaration of candidacy.

684 (4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to
685 Subsection [20A-9-201\(8\)](#).

686 (b) A write-in candidate for president of the United States is subject to Subsection
687 [20A-9-201\(9\)\(a\)\(iv\)](#) or [20A-9-803\(1\)\(d\)](#), as applicable.

688 [~~4~~] (5) By November 1 of each regular general election year, the lieutenant governor
689 shall certify to each county clerk the names of all write-in candidates who filed their
690 declaration of candidacy with the lieutenant governor.