

HB0272S02 compared with HB0272S01

~~text~~ shows text that was in HB0272S01 but was deleted in HB0272S02.

Inserted text shows text that was not in HB0272S01 but was inserted into HB0272S02.

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

~~Representative Merrill F.~~Senator Don L.~~Nelson~~Ipson 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:

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None

Other Special Clauses:

~~{ None }~~ This bill provides a coordination clause.

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

~~{ **20A-9-201**, as last amended by Laws of Utah 2018, Chapter 11 }~~

20A-9-203, as last amended by Laws of Utah 2018, Chapters 11 and 365

20A-9-404, as last amended by Laws of Utah 2018, Chapters 187 and 274

20A-9-601, as last amended by Laws of Utah 2018, Chapters 11 and 80

Utah Code Sections Affected by Coordination Clause:

20A-9-404, as last amended by Laws of Utah 2018, Chapters 187 and 274

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

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

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

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

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

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

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

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

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

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

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provided on the device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

(6) After preparation of the ballot:

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

(i) the voter shall:

(A) leave the voting booth; and

(B) announce the voter's name to the poll worker in charge of the ballot box;

(ii) the poll worker in charge of the ballot box shall:

(A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;

(B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, remove the stub from the ballot; and

(C) return the ballot to the voter;

(iii) the voter shall, in full view of the poll workers, cast the voter's vote by depositing the ballot in the ballot box; and

(iv) if the stub has been detached from the ballot:

(A) the poll worker may not accept the ballot; and

(B) the poll worker shall:

(I) treat the ballot as a spoiled ballot;

(II) provide the voter with a new ballot; and

(III) dispose of the spoiled ballot as provided in Section 20A-3-107;

(b) if a ballot sheet other than a punch card is used:

(i) the voter shall:

(A) leave the voting booth; and

(B) announce the voter's name to the poll worker in charge of the ballot box;

(ii) the poll worker in charge of the ballot box shall:

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(A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot; and

(B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, return the ballot to the voter; and

(iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by depositing the ballot in the ballot box; and

(c) if an electronic ballot is used, the voter shall:

(i) cast the voter's ballot;

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

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

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

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

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

(iii) deposit it in the ballot box; and

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

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

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

(b) A voter may not:

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

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

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

(9) If the official register shows any voter as having voted, that voter may not reenter

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the voting area during that election unless that voter is an election official or watcher.

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

- (a) election officials;
- (b) watchers; or
- (c) assisting voters with a disability.

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

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

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

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

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

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

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

- (i) select that party on the straight party selection area; or
 - (ii) select the name of each candidate from that party.
- (b) To vote for candidates from two or more political parties, the voter may:

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Section ~~{20A-9-201}~~ 20A-9-203 is amended to read:

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

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- ~~—— (1) Before filing a declaration of candidacy for election to any office, an individual shall:~~
- ~~—— (a) be a United States citizen;~~
 - ~~—— (b) meet the legal requirements of that office; and~~
 - ~~—— (c) if seeking a registered political party's nomination as a candidate for elective office, state:~~
 - ~~—— (i) the registered political party of which the individual is a member; or~~
 - ~~—— (ii) that the individual is not a member of a registered political party.~~
- ~~—— (2) (a) Except as provided in Subsection (2)(b), an individual may not:~~
- ~~—— (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year;~~
 - ~~—— (ii) appear on the ballot as the candidate of more than one political party; or~~
 - ~~—— (iii) file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise in the registered political party's bylaws.~~
- ~~—— (b) (i) An individual may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the individual resigns the individual's candidacy for the other office after the individual is officially nominated for president or vice president of the United States.~~
- ~~—— (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.~~
 - ~~—— (iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.~~
- ~~—— (3) (a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:~~
- ~~—— (i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking; and~~
 - ~~—— (ii) require the individual to state whether the individual meets those requirements.~~
- ~~—— (b) Before accepting a declaration of candidacy for the office of county attorney, the~~

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~~county clerk shall ensure that the individual filing that declaration of candidacy is:~~

~~—— (i) a United States citizen;~~

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

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

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

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

~~—— (i) a United States citizen;~~

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

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

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

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

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

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

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

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

~~—— (iv) is qualified to be certified as a law enforcement officer, as defined in Section~~

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~~53-13-103; and~~

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

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

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

~~—— (ii) if the filing officer is not the lieutenant governor, that the individual provides the financial disclosure to the lieutenant governor in accordance with Section 20A-11-1603.~~

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

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

~~—— (a) inform the individual that:~~

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

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

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

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

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

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

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

~~—— (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission~~

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~~deadline under Subsection 20A-7-801(4)(a);~~

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

~~_____ (i) signing the pledge is voluntary; and~~

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

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

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

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

~~_____ (a) accept the candidate's pledge; and~~

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

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

~~_____ (i) be substantially as follows:~~

~~_____ "State of Utah, County of _____~~

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

~~_____~~

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

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- ~~Notary Public (or other officer qualified to administer oath)."; and~~
- ~~(ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):~~
- ~~(A) the registered political party of which the candidate is a member; or~~
- ~~(B) that the candidate is not a member of a registered political party.~~
- ~~(b) An agent designated under Subsection 20A-9-202(1)(b) to file a declaration of candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.~~
- ~~(8) (a) Except as provided in Section 20A-9-601, and except for presidential candidates, the fee for filing a declaration of candidacy is:~~
- ~~(i) \$50 for candidates for the local school district board; and~~
- ~~(ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.~~
- ~~(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:~~
- ~~(i) who is disqualified; or~~
- ~~(ii) who the filing officer determines has filed improperly.~~
- ~~(c) (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates:~~
- ~~(ii) The lieutenant governor shall:~~
- ~~(A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and~~
- ~~(B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.~~
- ~~(d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.~~
- ~~(ii) A person who is able to pay the filing fee may not claim impecuniosity.~~
- ~~(iii) (A) False statements made on an affidavit of impecuniosity or a financial~~

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~~statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.~~

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

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

~~—— "Affidavit of Impecuniosity~~

~~Individual Name~~

~~_____ Address _____~~

~~Phone Number _____~~

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

~~Date _____ Signature _____~~

~~Affiant~~

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

~~_____

_____ (signature)~~

~~—— Name and Title of Officer Authorized to Administer Oath _____"~~

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

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

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

~~—— (9) (a) If there is no legislative appropriation for the Western States Presidential Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for~~

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~~president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall:~~

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

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

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

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

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

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

~~—— (b) A designated agent described in Subsection (9)(a)(i) may not sign the form described in Subsection (9)(a)(i)(A):~~

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

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

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

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

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

(a) the individual is a registered voter; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) signing the pledge is voluntary; and

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

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

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

(i) accept the candidate's pledge; and

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

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

"I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet

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the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire candidate filing period. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) If the clerk sustains the objection, the candidate may, within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.

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

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

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

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

Section ~~5~~4. Section **20A-9-404** is amended to read:

20A-9-404. Municipal primary elections.

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

(b) Municipal primary elections shall be held:

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

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

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

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

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

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

~~[(ii)]~~ (iii) Any primary election exemption ordinance adopted under ~~[the authority of]~~ this Subsection (3) remains in effect until repealed by ordinance.

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

(ii) A convention or committee may not nominate an individual who has ~~[been nominated by]~~ accepted the nomination of a different convention or committee.

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

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

(ii) The certificate of nomination shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) provides for a municipal partisan ~~[primary election]~~ convention method of nominating candidates as provided in this Subsection (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~6~~5. Section **20A-9-601** is amended to read:

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

(1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated

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agent for a candidate for president or vice president of the United States, with the appropriate filing officer not later than [60] 65 days before the regular general election or a municipal general election in which the individual intends to be a write-in candidate.

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

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

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

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

(C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

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

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of _____ for the _____ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and rejection of any votes cast for me. The mailing address that I designate for receiving official election notices is _____.

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

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

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

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of the

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president of the United States. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of ____, State ____, Zip Code ____, Phone No. ____; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate for receiving official election notices is _____. I designate _____ as my vice presidential candidate.

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

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

(c) A declaration of candidacy for a write-in candidate for vice president of the United States shall be in substantially the same form as a declaration of candidacy described in Subsection 20A-9-202(7).

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

(3) (a) The filing officer shall:

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

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

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

(4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to Subsection 20A-9-201(8).

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

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

Section 6. Coordinating H.B. 272 with S.B. 33 -- Substantive and technical amendments.

If this H.B. 272 and S.B. 33, Political Procedures Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication, by amending Subsection

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20A-9-404(4)(b)(ii)(B) to read:

"(B) is filed with the city recorder [by May 31 of any odd-numbered year] or town clerk before 5 p.m. no later than the day before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);"