

**ELECTION CODE DATE CHANGES**

2019 FIRST SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill changes the primary election to June 30, for the year 2020 only, and changes related dates accordingly.

**Highlighted Provisions:**

This bill:

- ▶ changes the primary election to June 30, for the year 2020 only, and changes related dates accordingly; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-1-102**, as last amended by Laws of Utah 2019, Chapter 433

**20A-1-201.5**, as last amended by Laws of Utah 2019, Chapter 433

**20A-1-204**, as last amended by Laws of Utah 2019, Chapter 433

**20A-1-503**, as last amended by Laws of Utah 2019, Chapter 255

**20A-9-201 (Superseded 01/01/20)**, as last amended by Laws of Utah 2019, Chapters 266, 279, and 433

**20A-9-201 (Effective 01/01/20)**, as last amended by Laws of Utah 2019, Chapters 258, 266, 279, and 433

- 30            **20A-9-202**, as last amended by Laws of Utah 2019, Chapter 255
  - 31            **20A-9-403**, as last amended by Laws of Utah 2019, Chapters 210 and 433
  - 32            **20A-9-407**, as last amended by Laws of Utah 2019, Chapter 255
  - 33            **20A-9-408**, as last amended by Laws of Utah 2019, Chapters 210 and 255
  - 34            **20A-9-409**, as last amended by Laws of Utah 2018, Chapter 68
  - 35            **63I-2-220**, as last amended by Laws of Utah 2019, Chapters 136, 203, 255, and 305
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37    *Be it enacted by the Legislature of the state of Utah:*

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

39            **20A-1-102. Definitions.**

40            As used in this title:

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

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

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

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

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

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

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

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

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

56            (b) a constitutional amendment;

57            (c) an initiative;

- 58 (d) a referendum;
- 59 (e) a bond proposition;
- 60 (f) a judicial retention question;
- 61 (g) an incorporation of a city or town; or
- 62 (h) any other ballot question specifically authorized by the Legislature.
- 63 (6) "Ballot sheet":
- 64 (a) means a ballot that:
- 65 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 66 (ii) can be counted using automatic tabulating equipment; and
- 67 (b) includes punch card ballots and other ballots that are machine-countable.
- 68 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 69 together with a staple or stitch in at least three places across the top of the paper in the blank
- 70 space reserved for securing the paper.
- 71 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 72 [20A-4-306](#) to canvass election returns.
- 73 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 74 the proposed issuance of bonds by a government entity.
- 75 (10) "Book voter registration form" means voter registration forms contained in a
- 76 bound book that are used by election officers and registration agents to register persons to vote.
- 77 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 78 charge by the sender.
- 79 (12) "By-mail voter registration form" means a voter registration form designed to be
- 80 completed by the voter and mailed to the election officer.
- 81 (13) "Canvass" means the review of election returns and the official declaration of
- 82 election results by the board of canvassers.
- 83 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 84 the canvass.
- 85 (15) "Contracting election officer" means an election officer who enters into a contract

86 or interlocal agreement with a provider election officer.

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

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

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

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

96 (20) "County officers" means those county officers that are required by law to be  
97 elected.

98 (21) "Date of the election" or "election day" or "day of the election":

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

101 (b) does not include:

102 (i) deadlines established for absentee voting; or

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

105 (22) "Elected official" means:

106 (a) a person elected to an office under Section 20A-1-303 or Chapter [4] 1, Part 6,  
107 Election Offenses - Generally;

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

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

112 (23) "Election" means a regular general election, a municipal general election, a  
113 statewide special election, a local special election, a regular primary election, a municipal

114 primary election, and a local district election.

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

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

119 (26) "Election judge" means a poll worker that is assigned to:

- 120 (a) preside over other poll workers at a polling place;
- 121 (b) act as the presiding election judge; or
- 122 (c) serve as a canvassing judge, counting judge, or receiving judge.

123 (27) "Election officer" means:

- 124 (a) the lieutenant governor, for all statewide ballots and elections;
- 125 (b) the county clerk for:
  - 126 (i) a county ballot and election; and
  - 127 (ii) a ballot and election as a provider election officer as provided in Section

128 [20A-5-400.1](#) or [20A-5-400.5](#);

129 (c) the municipal clerk for:

- 130 (i) a municipal ballot and election; and
- 131 (ii) a ballot and election as a provider election officer as provided in Section

132 [20A-5-400.1](#) or [20A-5-400.5](#);

133 (d) the local district clerk or chief executive officer for:

- 134 (i) a local district ballot and election; and
- 135 (ii) a ballot and election as a provider election officer as provided in Section

136 [20A-5-400.1](#) or [20A-5-400.5](#); or

137 (e) the business administrator or superintendent of a school district for:

- 138 (i) a school district ballot and election; and
- 139 (ii) a ballot and election as a provider election officer as provided in Section

140 [20A-5-400.1](#) or [20A-5-400.5](#).

141 (28) "Election official" means any election officer, election judge, or poll worker.

142 (29) "Election results" means:

143 (a) for an election other than a bond election, the count of votes cast in the election and  
144 the election returns requested by the board of canvassers; or

145 (b) for bond elections, the count of those votes cast for and against the bond  
146 proposition plus any or all of the election returns that the board of canvassers may request.

147 (30) "Election returns" includes the pollbook, the military and overseas absentee voter  
148 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all  
149 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition  
150 form, and the total votes cast form.

151 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
152 device or other voting device that records and stores ballot information by electronic means.

153 (32) "Electronic signature" means an electronic sound, symbol, or process attached to  
154 or logically associated with a record and executed or adopted by a person with the intent to sign  
155 the record.

156 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.

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

158 (34) "Inactive voter" means a registered voter who is listed as inactive by a county  
159 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).

160 (35) "Judicial office" means the office filled by any judicial officer.

161 (36) "Judicial officer" means any justice or judge of a court of record or any county  
162 court judge.

163 (37) "Local district" means a local government entity under Title 17B, Limited Purpose  
164 Local Government Entities - Local Districts, and includes a special service district under Title  
165 17D, Chapter 1, Special Service District Act.

166 (38) "Local district officers" means those local district board members that are required  
167 by law to be elected.

168 (39) "Local election" means a regular county election, a regular municipal election, a  
169 municipal primary election, a local special election, a local district election, and a bond

170 election.

171 (40) "Local political subdivision" means a county, a municipality, a local district, or a  
172 local school district.

173 (41) "Local special election" means a special election called by the governing body of a  
174 local political subdivision in which all registered voters of the local political subdivision may  
175 vote.

176 (42) "Municipal executive" means:

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

178 (b) the mayor in the council-manager form of government defined in Subsection  
179 10-3b-103(7); or

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

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

184 (44) "Municipal legislative body" means:

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

186 (b) the council of a metro township.

187 (45) "Municipal office" means an elective office in a municipality.

188 (46) "Municipal officers" means those municipal officers that are required by law to be  
189 elected.

190 (47) "Municipal primary election" means an election held to nominate candidates for  
191 municipal office.

192 (48) "Municipality" means a city, town, or metro township.

193 (49) "Official ballot" means the ballots distributed by the election officer to the poll  
194 workers to be given to voters to record their votes.

195 (50) "Official endorsement" means:

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

197 (i) the ballot as an official ballot;

- 198 (ii) the date of the election; and
- 199 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the  
200 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 201 (B) for a ballot prepared by a county clerk, the words required by Subsection  
202 20A-6-301(1)(b)(iii); and
- 203 (b) the information on the ballot stub that identifies:
- 204 (i) the poll worker's initials; and
- 205 (ii) the ballot number.
- 206 (51) "Official register" means the official record furnished to election officials by the  
207 election officer that contains the information required by Section 20A-5-401.
- 208 (52) "Paper ballot" means a paper that contains:
- 209 (a) the names of offices and candidates and statements of ballot propositions to be  
210 voted on; and
- 211 (b) spaces for the voter to record the voter's vote for each office and for or against each  
212 ballot proposition.
- 213 (53) "Political party" means an organization of registered voters that has qualified to  
214 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
215 and Procedures.
- 216 (54) (a) "Poll worker" means a person assigned by an election official to assist with an  
217 election, voting, or counting votes.
- 218 (b) "Poll worker" includes election judges.
- 219 (c) "Poll worker" does not include a watcher.
- 220 (55) "Pollbook" means a record of the names of voters in the order that they appear to  
221 cast votes.
- 222 (56) "Polling place" means the building where voting is conducted.
- 223 (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
224 in which the voter marks the voter's choice.
- 225 (58) "Presidential Primary Election" means the election established in Chapter 9, Part

226 8, Presidential Primary Election.

227 (59) "Primary convention" means the political party conventions held during the year  
228 of the regular general election.

229 (60) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

232 (61) "Provider election officer" means an election officer who enters into a contract or  
233 interlocal agreement with a contracting election officer to conduct an election for the  
234 contracting election officer's local political subdivision in accordance with Section  
235 [20A-5-400.1](#).

236 (62) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

245 (65) "Receiving judge" means the poll worker that checks the voter's name in the  
246 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
247 after the voter has voted.

248 (66) "Registration form" means a book voter registration form and a by-mail voter  
249 registration form.

250 (67) "Regular ballot" means a ballot that is not a provisional ballot.

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

254 (69) "Regular primary election" means the election, held on the [~~fourth Tuesday of~~  
255 ~~June of each even-numbered year~~] date specified in Section 20A-1-201.5, to nominate  
256 candidates of political parties and candidates for nonpartisan local school board positions to  
257 advance to the regular general election.

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

259 (71) "Sample ballot" means a mock ballot similar in form to the official ballot printed  
260 and distributed as provided in Section 20A-5-405.

261 (72) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
262 punch the ballot for one or more candidates who are members of different political parties or  
263 who are unaffiliated.

264 (73) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
265 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
266 the voter's vote.

267 (74) "Special election" means an election held as authorized by Section 20A-1-203.

268 (75) "Spoiled ballot" means each ballot that:

269 (a) is spoiled by the voter;

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

271 (c) lacks the official endorsement.

272 (76) "Statewide special election" means a special election called by the governor or the  
273 Legislature in which all registered voters in Utah may vote.

274 (77) "Stub" means the detachable part of each ballot.

275 (78) "Substitute ballots" means replacement ballots provided by an election officer to  
276 the poll workers when the official ballots are lost or stolen.

277 (79) "Ticket" means a list of:

278 (a) political parties;

279 (b) candidates for an office; or

280 (c) ballot propositions.

281 (80) "Transfer case" means the sealed box used to transport voted ballots to the

282 counting center.

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

286 (82) "Valid voter identification" means:

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

- 289 (i) a currently valid Utah driver license;
- 290 (ii) a currently valid identification card that is issued by:
  - 291 (A) the state; or
  - 292 (B) a branch, department, or agency of the United States;
- 293 (iii) a currently valid Utah permit to carry a concealed weapon;
- 294 (iv) a currently valid United States passport; or
- 295 (v) a currently valid United States military identification card;

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

- 298 (i) a valid tribal identification card;
- 299 (ii) a Bureau of Indian Affairs card; or
- 300 (iii) a tribal treaty card; or

301 (c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear  
302 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
303 may include:

- 304 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
305 election;
- 306 (ii) a bank or other financial account statement, or a legible copy thereof;
- 307 (iii) a certified birth certificate;
- 308 (iv) a valid social security card;
- 309 (v) a check issued by the state or the federal government or a legible copy thereof;

- 310 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 311 (vii) a currently valid Utah hunting or fishing license;
- 312 (viii) certified naturalization documentation;
- 313 (ix) a currently valid license issued by an authorized agency of the United States;
- 314 (x) a certified copy of court records showing the voter's adoption or name change;
- 315 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 316 (xii) a currently valid identification card issued by:
  - 317 (A) a local government within the state;
  - 318 (B) an employer for an employee; or
  - 319 (C) a college, university, technical school, or professional school located within the
  - 320 state; or
  - 321 (xiii) a current Utah vehicle registration.
- 322 (83) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 323 candidate by following the procedures and requirements of this title.
- 324 (84) "Voter" means a person who:
  - 325 (a) meets the requirements for voting in an election;
  - 326 (b) meets the requirements of election registration;
  - 327 (c) is registered to vote; and
  - 328 (d) is listed in the official register book.
- 329 (85) "Voter registration deadline" means the registration deadline provided in Section
- 330 [20A-2-102.5](#).
- 331 (86) "Voting area" means the area within six feet of the voting booths, voting
- 332 machines, and ballot box.
- 333 (87) "Voting booth" means:
  - 334 (a) the space or compartment within a polling place that is provided for the preparation
  - 335 of ballots, including the voting machine enclosure or curtain; or
  - 336 (b) a voting device that is free standing.
- 337 (88) "Voting device" means:

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

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

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

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

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

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

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

350 (91) "Watcher" means an individual who complies with the requirements described in  
351 Section 20A-3-201 to become a watcher for an election.

352 (92) "Write-in ballot" means a ballot containing any write-in votes.

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

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

356 **20A-1-201.5. Primary election dates.**

357 (1) [A] Except as provided in Subsection (4), the regular primary election shall be held  
358 throughout the state on the fourth Tuesday of June of each even numbered year as provided in  
359 Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for:

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

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

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

365 (3) A presidential primary election shall be held throughout the state on the first

366 Tuesday in March in the year in which a presidential election will be held.

367 (4) In 2020, the regular primary election shall be held throughout the state on June 30,  
368 as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate  
369 persons for:

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

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

372 Section 3. Section 20A-1-204 is amended to read:

373 **20A-1-204. Date of special election -- Legal effect.**

374 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the  
375 legislative body of a local political subdivision calling a statewide special election or local  
376 special election under Section 20A-1-203 shall schedule the special election to be held on:

377 (i) in a year other than 2020, the fourth Tuesday in June; [~~or~~]

378 (ii) in 2020, June 30; or

379 [~~(i)~~] (iii) in any year, the first Tuesday after the first Monday in November.

380 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative  
381 body of a local political subdivision calling a statewide special election or local special election  
382 under Section 20A-1-203 may not schedule a special election to be held on any other date.

383 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative  
384 body of a local political subdivision may call a local special election on a date other than those  
385 specified in this section if the legislative body:

386 (A) determines and declares that there is a disaster, as defined in Section 53-2a-102,  
387 requiring that a special election be held on a date other than the ones authorized in statute;

388 (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102,  
389 and the reasons for holding the special election on that other date; and

390 (C) votes unanimously to hold the special election on that other date.

391 (ii) The legislative body of a local political subdivision may not hold a local special  
392 election on the same date as the presidential primary election conducted under Chapter 9, Part  
393 8, Presidential Primary Election.

394 (d) The legislative body of a local political subdivision may only call a special election  
395 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after  
396 the first Monday in November.

397 (e) Nothing in this section prohibits:

398 (i) the governor or Legislature from submitting a matter to the voters at the regular  
399 general election if authorized by law; or

400 (ii) a local government from submitting a matter to the voters at the regular municipal  
401 election if authorized by law.

402 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
403 special election within a county on the same day as:

404 (i) another special election;

405 (ii) a regular general election; or

406 (iii) a municipal general election.

407 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

408 (i) polling places;

409 (ii) ballots;

410 (iii) election officials; and

411 (iv) other administrative and procedural matters connected with the election.

412 Section 4. Section **20A-1-503** is amended to read:

413 **20A-1-503. Midterm vacancies in the Legislature.**

414 (1) As used in this section:

415 (a) "Filing deadline" means the final date for filing:

416 (i) a declaration of candidacy as provided in Section [20A-9-202](#); and

417 (ii) a certificate of nomination as provided in Section [20A-9-503](#).

418 (b) "Party liaison" means the political party officer designated to serve as a liaison with  
419 the lieutenant governor on all matters relating to the political party's relationship with the state  
420 as required by Section [20A-8-401](#).

421 (2) When a vacancy occurs for any reason in the office of representative in the

422 Legislature, the governor shall fill the vacancy by immediately appointing the person whose  
423 name was submitted by the party liaison of the same political party as the prior representative.

424 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in  
425 the office of senator in the Legislature, it shall be filled for the unexpired term at the next  
426 regular general election.

427 (b) The governor shall fill the vacancy until the next regular general election by  
428 immediately appointing the person whose name was submitted by the party liaison of the same  
429 political party as the prior senator.

430 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but  
431 before August 31 of an even-numbered year in which the term of office does not expire, the  
432 lieutenant governor shall:

433 (i) establish a date and time, which is before the date for a candidate to be certified for  
434 the ballot under Section [20A-9-701](#) and no later than 21 days after the day on which the  
435 vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant  
436 office shall file:

437 (A) a declaration of candidacy; or

438 (B) a certificate of nomination; and

439 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):

440 (A) on the lieutenant governor's website; and

441 (B) to each registered political party.

442 (b) A person intending to obtain a position on the ballot for the vacant office shall:

443 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of  
444 candidacy or certificate of nomination according to the procedures and requirements of Chapter  
445 9, Candidate Qualifications and Nominating Procedures; and

446 (ii) run in the regular general election if:

447 (A) nominated as a party candidate; or

448 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate  
449 Qualifications and Nominating Procedures.

450 (c) If a vacancy described in Subsection (3)(a) occurs [~~on or~~] after the [~~first Monday~~  
451 ~~after the third Saturday in April~~] deadline described in Subsection 20A-9-202(1)(b)(i) or (ii)  
452 and before August 31, of an even-numbered year in which the term of office does not expire, a  
453 party liaison from each registered political party may submit a name of a person described in  
454 Subsection (4)(b) to the lieutenant governor before 5 p.m. no later than August 30 for  
455 placement on the regular general election ballot.

456 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an  
457 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the  
458 unexpired term by immediately appointing the person whose name was submitted by the party  
459 liaison of the same political party as the prior senator.

460 Section 5. Section **20A-9-201 (Superseded 01/01/20)** is amended to read:

461 **20A-9-201 (Superseded 01/01/20). Declarations of candidacy -- Candidacy for**  
462 **more than one office or of more than one political party prohibited with exceptions --**  
463 **General filing and form requirements -- Affidavit of impecuniosity.**

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

466 (a) be a United States citizen;  
467 (b) meet the legal requirements of that office; and  
468 (c) if seeking a registered political party's nomination as a candidate for elective office,  
469 state:

470 (i) the registered political party of which the individual is a member; or  
471 (ii) that the individual is not a member of a registered political party.

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

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

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

476 (iii) file a declaration of candidacy for a registered political party of which the  
477 individual is not a member, except to the extent that the registered political party permits

478 otherwise in the registered political party's bylaws.

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

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

485 (iii) An individual may file a declaration of candidacy for lieutenant governor even if  
486 the individual filed a declaration of candidacy for another office in the same election year if the  
487 individual withdraws as a candidate for the other office in accordance with Subsection  
488 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

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

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

493 (ii) require the individual to state whether the individual meets those requirements; and

494 (iii) if the declaration of candidacy is for a legislative office, inform the individual that  
495 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit  
496 or trust, under authority of the United States or Utah, from being a member of the Legislature.

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

499 (i) a United States citizen;

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

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

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

506 office.

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

510 (i) a United States citizen;

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

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

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

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

522 (i) is a United States citizen;

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

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

527 (B) has met the waiver requirements in Section [53-6-206](#);

528 (iv) is qualified to be certified as a law enforcement officer, as defined in Section  
529 [53-13-103](#); and

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

532 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant  
533 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of

534 Education member, the filing officer shall ensure:

535 (i) that the individual filing the declaration of candidacy also makes the conflict of  
536 interest disclosure required by Section 20A-11-1603; and

537 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the  
538 individual provides the conflict of interest disclosure form to the lieutenant governor in  
539 accordance with Section 20A-11-1603.

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

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

545 (a) inform the individual that:

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

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

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

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

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

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

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

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

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

- 564 (i) signing the pledge is voluntary; and
- 565 (ii) signed pledges shall be filed with the filing officer;
- 566 (e) accept the individual's declaration of candidacy; and
- 567 (f) if the individual has filed for a partisan office, provide a certified copy of the  
568 declaration of candidacy to the chair of the county or state political party of which the  
569 individual is a member.

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

- 572 (a) accept the candidate's pledge; and
- 573 (b) if the candidate has filed for a partisan office, provide a certified copy of the  
574 candidate's pledge to the chair of the county or state political party of which the candidate is a  
575 member.

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

578 (i) be substantially as follows:

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

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

590 \_\_\_\_\_  
591 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).  
592 Notary Public (or other officer qualified to administer oath)."; and  
593 (ii) require the candidate to state, in the sworn statement described in Subsection  
594 (7)(a)(i):  
595 (A) the registered political party of which the candidate is a member; or  
596 (B) that the candidate is not a member of a registered political party.  
597 (b) An agent designated under Subsection 20A-9-202(1)~~(b)~~(c) to file a declaration of  
598 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.  
599 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
600 is:  
601 (i) \$50 for candidates for the local school district board; and  
602 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
603 person holding the office for all other federal, state, and county offices.  
604 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
605 any candidate:  
606 (i) who is disqualified; or  
607 (ii) who the filing officer determines has filed improperly.  
608 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
609 from candidates.  
610 (ii) The lieutenant governor shall:  
611 (A) apportion to and pay to the county treasurers of the various counties all fees  
612 received for filing of nomination certificates or acceptances; and  
613 (B) ensure that each county receives that proportion of the total amount paid to the  
614 lieutenant governor from the congressional district that the total vote of that county for all  
615 candidates for representative in Congress bears to the total vote of all counties within the  
616 congressional district for all candidates for representative in Congress.  
617 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy

618 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
619 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
620 a financial statement filed at the time the affidavit is submitted.

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

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

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

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

630 "Affidavit of Impecuniosity

631 Individual Name

632 \_\_\_\_\_ Address \_\_\_\_\_

633 Phone Number \_\_\_\_\_

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

637 Date \_\_\_\_\_ Signature \_\_\_\_\_

638 Affiant

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

640 \_\_\_\_\_  
641 (signature)

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

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

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

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

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

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

656 Section 6. Section 20A-9-201 (Effective 01/01/20) is amended to read:

657 **20A-9-201 (Effective 01/01/20). Declarations of candidacy -- Candidacy for more**  
658 **than one office or of more than one political party prohibited with exceptions -- General**  
659 **filing and form requirements -- Affidavit of impecuniosity.**

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

662 (a) be a United States citizen;

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

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

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

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

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

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

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

672 (iii) file a declaration of candidacy for a registered political party of which the  
673 individual is not a member, except to the extent that the registered political party permits

674 otherwise in the registered political party's bylaws.

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

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

681 (iii) An individual may file a declaration of candidacy for lieutenant governor even if  
682 the individual filed a declaration of candidacy for another office in the same election year if the  
683 individual withdraws as a candidate for the other office in accordance with Subsection  
684 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

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

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

689 (ii) require the individual to state whether the individual meets the requirements  
690 described in Subsection (3)(a)(i); and

691 (iii) if the declaration of candidacy is for a county office, inform the individual that an  
692 individual who holds a county elected office may not, at the same time, hold a municipal  
693 elected office.

694 (iv) if the declaration of candidacy is for a legislative office, inform the individual that  
695 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit  
696 or trust, under authority of the United States or Utah, from being a member of the Legislature.

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

699 (i) a United States citizen;

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

702 (iii) a registered voter in the county in which the individual is seeking office; and  
703 (iv) a current resident of the county in which the individual is seeking office and either  
704 has been a resident of that county for at least one year or was appointed and is currently serving  
705 as county attorney and became a resident of the county within 30 days after appointment to the  
706 office.

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

710 (i) a United States citizen;  
711 (ii) an attorney licensed to practice law in the state who is an active member in good  
712 standing of the Utah State Bar;

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

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

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

722 (i) is a United States citizen;  
723 (ii) is a registered voter in the county in which the individual seeks office;  
724 (iii) (A) has successfully met the standards and training requirements established for  
725 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
726 Certification Act; or

727 (B) has met the waiver requirements in Section [53-6-206](#);

728 (iv) is qualified to be certified as a law enforcement officer, as defined in Section  
729 [53-13-103](#); and

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

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

735 (i) that the individual filing the declaration of candidacy also makes the conflict of  
736 interest disclosure required by Section 20A-11-1603; and

737 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the  
738 individual provides the conflict of interest disclosure form to the lieutenant governor in  
739 accordance with Section 20A-11-1603.

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

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

745 (a) inform the individual that:

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

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

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

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

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

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

755 (b) except for a presidential candidate, provide the individual with a copy of the current  
756 campaign financial disclosure laws for the office the individual is seeking and inform the  
757 individual that failure to comply will result in disqualification as a candidate and removal of

758 the individual's name from the ballot;

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

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

764 (i) signing the pledge is voluntary; and

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

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

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

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

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

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

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

778 (i) be substantially as follows:

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

780 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the  
781 nomination of the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications to  
782 hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_  
783 in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not  
784 knowingly violate any law governing campaigns and elections; if filing via a designated  
785 agent, I will be out of the state of Utah during the entire candidate filing period; I will

786 file all campaign financial disclosure reports as required by law; and I understand that failure to  
787 do so will result in my disqualification as a candidate for this office and removal of my name  
788 from the ballot. The mailing address that I designate for receiving official election notices is  
789 \_\_\_\_\_.

790 \_\_\_\_\_

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

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

793 (ii) require the candidate to state, in the sworn statement described in Subsection

794 (7)(a)(i):

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

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

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

799 (8) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
800 is:

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

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

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

806 (i) who is disqualified; or

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

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

810 (ii) The lieutenant governor shall:

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

813 (B) ensure that each county receives that proportion of the total amount paid to the

814 lieutenant governor from the congressional district that the total vote of that county for all  
815 candidates for representative in Congress bears to the total vote of all counties within the  
816 congressional district for all candidates for representative in Congress.

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

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

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

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

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

830 "Affidavit of Impecuniosity

831 Individual Name

832 \_\_\_\_\_ Address \_\_\_\_\_

833 Phone Number \_\_\_\_\_

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

837 Date \_\_\_\_\_ Signature \_\_\_\_\_

838 Affiant

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

840 \_\_\_\_\_  
841 (signature)

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

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

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

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

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

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

856 Section 7. Section 20A-9-202 is amended to read:

857 **20A-9-202. Declarations of candidacy for regular general elections.**

858 (1) (a) An individual seeking to become a candidate for an elective office that is to be  
859 filled at the next regular general election shall:

860 (i) except as provided in Subsection (1)(b)(c), file a declaration of candidacy in  
861 person with the filing officer on or after January 1 of the regular general election year, and, if  
862 applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

863 (ii) pay the filing fee.

864 (b) Unless expressly provided otherwise in this title, for a registered political party that  
865 is not a qualified political party, the deadline for filing a declaration of candidacy for an  
866 elective office that is to be filled at the next regular general election is:

867 (i) in a year other than 2020, 5 p.m. on the first Monday after the third Saturday in  
868 April; or

869 (ii) in 2020, before 5 p.m. April 27.

870           ~~[(b)]~~ (c) Subject to Subsection [20A-9-201\(7\)\(b\)](#), an individual may designate an agent  
871 to file a declaration of candidacy with the filing officer if:

- 872           (i) the individual is located outside of the state during the entire filing period;
- 873           (ii) the designated agent appears in person before the filing officer;
- 874           (iii) the individual communicates with the filing officer using an electronic device that  
875 allows the individual and filing officer to see and hear each other; and
- 876           (iv) the individual provides the filing officer with an email address to which the filing  
877 officer may send the individual the copies described in Subsection [20A-9-201\(5\)](#).

878           ~~[(e)]~~ (d) Each county clerk who receives a declaration of candidacy from a candidate  
879 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
880 candidacy to the lieutenant governor within one business day after the candidate files the  
881 declaration of candidacy.

882           ~~[(d)]~~ (e) Each day during the filing period, each county clerk shall notify the lieutenant  
883 governor electronically or by telephone of candidates who have filed a declaration of candidacy  
884 with the county clerk.

885           ~~[(e)]~~ (f) Each individual seeking the office of lieutenant governor, the office of district  
886 attorney, or the office of president or vice president of the United States shall comply with the  
887 specific declaration of candidacy requirements established by this section.

888           (2) (a) Each individual intending to become a candidate for the office of district  
889 attorney within a multicounty prosecution district that is to be filled at the next regular general  
890 election shall:

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

894           (ii) pay the filing fee.

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

898 (3) (a) Before ~~[5 p.m. no later than the first Monday after the third Saturday in April]~~  
899 the deadline described in Subsection (1)(b)(i) or (ii), each lieutenant governor candidate shall:

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

901 (ii) pay the filing fee; and

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

905 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

906 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to  
907 replace the disqualified candidate.

908 (4) Before 5 p.m. no later than August 31, each registered political party shall:

909 (a) certify the names of the political party's candidates for president and vice president  
910 of the United States to the lieutenant governor; or

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

914 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
915 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the  
916 last day for filing.

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

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

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

921 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
922 problem by amending the declaration or petition before 5 p.m. within three days after the day  
923 on which the objection is sustained or by filing a new declaration before 5 p.m. within three  
924 days after the day on which the objection is sustained.

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

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

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

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

932 (7) (a) Except for a candidate who is certified by a registered political party under  
933 Subsection (4), and except as provided in Section [20A-9-504](#), before 5 p.m. no later than  
934 August 31 of a general election year, each individual running as a candidate for vice president  
935 of the United States shall:

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

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

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

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

943 (D) states that the individual agrees to be the running mate of the presidential candidate  
944 described in Subsection (7)(a)(i)(C); and

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

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

947 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)  
948 that names the individual as a joint-ticket running mate as a vice presidential candidate.

949 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of  
950 candidacy.

951 (c) A vice presidential candidate who fails to meet the requirements described in this  
952 Subsection (7) may not appear on the general election ballot.

953 Section 8. Section [20A-9-403](#) is amended to read:

954           **20A-9-403. Regular primary elections.**

955           (1) (a) Candidates for elective office that are to be filled at the next regular general  
956 election shall be nominated in a regular primary election by direct vote of the people in the  
957 manner prescribed in this section. The [~~fourth Tuesday of June of each even-numbered year is~~  
958 ~~designated as~~] regular primary election [~~day~~] is held on the date specified in Section  
959 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular  
960 general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate  
961 in a regular general election as a write-in candidate under Section 20A-9-601.

962           (b) Each registered political party that chooses to have the names of the registered  
963 political party's candidates for elective office featured with party affiliation on the ballot at a  
964 regular general election shall comply with the requirements of this section and shall nominate  
965 the registered political party's candidates for elective office in the manner described in this  
966 section.

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

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

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

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

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

982 political party may vote for the registered political party's candidates.

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

986 (ii) An organization that is seeking to become a registered political party under Section  
987 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered  
988 political party files the petition described in Section 20A-8-103.

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

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

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

997 (b) (i) A candidate for elective office shall submit nomination petitions to the  
998 appropriate filing officer for verification and certification no later than 5 p.m. on the final day  
999 in March.

1000 (ii) A candidate may supplement the candidate's submissions at any time on or before  
1001 the filing deadline.

1002 (c) (i) The lieutenant governor shall determine for each elective office the total number  
1003 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate  
1004 number of individuals residing in each elective office's political division who have designated a  
1005 particular registered political party on the individuals' voter registration forms on or before  
1006 November 15 of each odd-numbered year.

1007 (ii) The lieutenant governor shall publish the determination for each elective office no  
1008 later than November 30 of each odd-numbered year.

1009 (d) The filing officer shall:

1010 (i) verify signatures on nomination petitions in a transparent and orderly manner, no  
1011 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

1012 (ii) for all qualifying candidates for elective office who submit nomination petitions to  
1013 the filing officer, issue certifications referenced in Subsection (3)(a) no later than ~~5 p.m. on the~~  
1014 ~~first Monday after the third Saturday in April~~ the deadline described in Subsection  
1015 20A-9-202(1)(b)(i) or (ii);

1016 (iii) consider active and inactive voters eligible to sign nomination petitions;

1017 (iv) consider an individual who signs a nomination petition a member of a registered  
1018 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that  
1019 registered political party as the individual's party membership on the individual's voter  
1020 registration form; and

1021 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination  
1022 petition signatures, or use statistical sampling procedures to verify submitted nomination  
1023 petition signatures in accordance with rules made under Subsection (3)(f).

1024 (e) Notwithstanding any other provision in this Subsection (3), a candidate for  
1025 lieutenant governor may appear on the regular primary ballot of a registered political party  
1026 without submitting nomination petitions if the candidate files a declaration of candidacy and  
1027 complies with Subsection 20A-9-202(3).

1028 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1029 director of elections, within the Office of the Lieutenant Governor, may make rules that:

1030 (i) provide for the use of statistical sampling procedures that:

1031 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1032 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
1033 submission, using widely recognized statistical sampling techniques; and

1034 (ii) provide for the transparent, orderly, and timely submission, verification, and  
1035 certification of nomination petition signatures.

1036 (g) The county clerk shall:

1037 (i) review the declarations of candidacy filed by candidates for local boards of

1038 education to determine if more than two candidates have filed for the same seat;

1039 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
1040 local board of education seat on the nonpartisan section of the ballot if more than two  
1041 candidates have filed for the same seat; and

1042 (iii) determine the order of the local board of education candidates' names on the ballot  
1043 in accordance with Section [20A-6-305](#).

1044 (4) (a) [~~By 5 p.m. on the first Wednesday after the third Saturday in April~~] Before the  
1045 deadline described in Subsection [20A-9-409](#)(4)(c), the lieutenant governor shall provide to the  
1046 county clerks:

1047 (i) a list of the names of all candidates for federal, constitutional, multi-county, single  
1048 county, and county offices who have received certifications under Subsection (3), along with  
1049 instructions on how those names shall appear on the primary election ballot in accordance with  
1050 Section [20A-6-305](#); and

1051 (ii) a list of unopposed candidates for elective office who have been nominated by a  
1052 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the  
1053 unopposed candidates from the primary election ballot.

1054 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
1055 joint-ticket running mates shall appear jointly on the primary election ballot.

1056 (c) After the county clerk receives the certified list from the lieutenant governor under  
1057 Subsection (4)(a), the county clerk shall post or publish a primary election notice in  
1058 substantially the following form:

1059 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
1060 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan  
1061 local school board positions listed on the primary ballot. The polling place for voting precinct  
1062 \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

1063 Attest: county clerk."

1064 (5) (a) A candidate who, at the regular primary election, receives the highest number of  
1065 votes cast for the office sought by the candidate is:

- 1066 (i) nominated for that office by the candidate's registered political party; or  
1067 (ii) for a nonpartisan local school board position, nominated for that office.
- 1068 (b) If two or more candidates are to be elected to the office at the regular general  
1069 election, those party candidates equal in number to positions to be filled who receive the  
1070 highest number of votes at the regular primary election are the nominees of the candidates'  
1071 party for those positions.
- 1072 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:  
1073 (A) no individual other than the candidate receives a certification under Subsection (3)  
1074 for the regular primary election ballot of the candidate's registered political party for a  
1075 particular elective office; or  
1076 (B) for an office where more than one individual is to be elected or nominated, the  
1077 number of candidates who receive certification under Subsection (3) for the regular primary  
1078 election of the candidate's registered political party does not exceed the total number of  
1079 candidates to be elected or nominated for that office.
- 1080 (ii) A candidate who is unopposed for an elective office in the regular primary election  
1081 of a registered political party is nominated by the party for that office without appearing on the  
1082 primary election ballot.
- 1083 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1084 office that represents more than one county, the governor, lieutenant governor, and attorney  
1085 general shall, at a public meeting called by the governor and in the presence of the candidates  
1086 involved, select the nominee by lot cast in whatever manner the governor determines.
- 1087 (b) When a tie vote occurs in any primary election for any county office, the district  
1088 court judges of the district in which the county is located shall, at a public meeting called by  
1089 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1090 whatever manner the judges determine.
- 1091 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
1092 primary election provided for by this section, and all expenses necessarily incurred in the  
1093 preparation for or the conduct of that primary election shall be paid out of the treasury of the

1094 county or state, in the same manner as for the regular general elections.

1095 (8) An individual may not file a declaration of candidacy for a registered political party  
1096 of which the individual is not a member, except to the extent that the registered political party  
1097 permits otherwise under the registered political party's bylaws.

1098 Section 9. Section **20A-9-407** is amended to read:

1099 **20A-9-407. Convention process to seek the nomination of a qualified political**  
1100 **party.**

1101 (1) This section describes the requirements for a member of a qualified political party  
1102 who is seeking the nomination of a qualified political party for an elective office through the  
1103 qualified political party's convention process.

1104 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of  
1105 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
1106 the nomination of, the qualified political party under this section shall be substantially as  
1107 described in Section [20A-9-408.5](#).

1108 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection  
1109 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the  
1110 nomination of the qualified political party for an elective office that is to be filled at the next  
1111 general election, shall:

1112 (a) except as provided in Subsection [20A-9-202\(1\)\(b\)](#)(c), file a declaration of  
1113 candidacy in person with the filing officer on or after the second Friday in March and before 5  
1114 p.m. on the third Thursday in March before the next regular general election; and

1115 (b) pay the filing fee.

1116 (4) Notwithstanding Subsection [20A-9-202\(2\)\(a\)](#), a member of a qualified political  
1117 party who, under this section, is seeking the nomination of the qualified political party for the  
1118 office of district attorney within a multicounty prosecution district that is to be filled at the next  
1119 general election shall:

1120 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
1121 agreement creating the prosecution district on or after the second Friday in March and before 5

1122 p.m. on the third Thursday in March before the next regular general election; and

1123 (b) pay the filing fee.

1124 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
1125 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
1126 political party, under this section, for the office of governor shall, [~~on or before 5 p.m. on the~~  
1127 ~~first Monday after the third Saturday in April~~] before the deadline described in Subsection  
1128 20A-9-202(1)(b)(i) or (ii), file a declaration of candidacy and submit a letter from the candidate  
1129 for governor that names the lieutenant governor candidate as a joint-ticket running mate.

1130 (6) (a) A qualified political party that nominates a candidate under this section shall  
1131 certify the name of the candidate to the lieutenant governor before [~~5 p.m. on the first Monday~~  
1132 ~~after the third Saturday in April~~] the deadline described in Subsection 20A-9-202(1)(b)(i) or  
1133 (ii).

1134 (b) The lieutenant governor shall include, in the primary ballot certification or, for a  
1135 race where a primary is not held because the candidate is unopposed, in the general election  
1136 ballot certification, the name of each candidate nominated by a qualified political party under  
1137 this section.

1138 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
1139 is nominated by a qualified political party under this section, designate the qualified political  
1140 party that nominated the candidate.

1141 Section 10. Section 20A-9-408 is amended to read:

1142 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
1143 **political party.**

1144 (1) This section describes the requirements for a member of a qualified political party  
1145 who is seeking the nomination of the qualified political party for an elective office through the  
1146 signature-gathering process described in this section.

1147 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of  
1148 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
1149 the nomination of, the qualified political party under this section shall be substantially as

1150 described in Section 20A-9-408.5.

1151 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
1152 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
1153 nomination of the qualified political party for an elective office that is to be filled at the next  
1154 general election shall:

1155 (a) within the period beginning on January 1 before the next regular general election  
1156 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering  
1157 signatures under this section, file with the filing officer on a form approved by the lieutenant  
1158 governor a notice of intent to gather signatures for candidacy that includes:

1159 (i) the name of the member who will attempt to become a candidate for a registered  
1160 political party under this section;

1161 (ii) the name of the registered political party for which the member is seeking  
1162 nomination;

1163 (iii) the office for which the member is seeking to become a candidate;

1164 (iv) the address and telephone number of the member; and

1165 (v) other information required by the lieutenant governor;

1166 (b) except as provided in Subsection 20A-9-202(1)(~~b~~)(c), file a declaration of  
1167 candidacy, in person, with the filing officer on or after the second Friday in March and before 5  
1168 p.m. on the third Thursday in March before the next regular general election; and

1169 (c) pay the filing fee.

1170 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
1171 party who, under this section, is seeking the nomination of the qualified political party for the  
1172 office of district attorney within a multicounty prosecution district that is to be filled at the next  
1173 general election shall:

1174 (a) on or after January 1 before the next regular general election, and before gathering  
1175 signatures under this section, file with the filing officer on a form approved by the lieutenant  
1176 governor a notice of intent to gather signatures for candidacy that includes:

1177 (i) the name of the member who will attempt to become a candidate for a registered

1178 political party under this section;

1179 (ii) the name of the registered political party for which the member is seeking  
1180 nomination;

1181 (iii) the office for which the member is seeking to become a candidate;

1182 (iv) the address and telephone number of the member; and

1183 (v) other information required by the lieutenant governor;

1184 (b) except as provided in Subsection 20A-9-202(1)(~~b~~)(c), file a declaration of  
1185 candidacy, in person, with the filing officer on or after the second Friday in March and before 5  
1186 p.m. on the third Thursday in March before the next regular general election; and

1187 (c) pay the filing fee.

1188 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
1189 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
1190 political party, under this section, for the office of governor shall, before [~~5 p.m. no later than~~  
1191 ~~the first Monday after the third Saturday in April]~~ the deadline described in Subsection  
1192 20A-9-202(1)(b)(i) or (ii), file a declaration of candidacy and submit a letter from the candidate  
1193 for governor that names the lieutenant governor candidate as a joint-ticket running mate.

1194 (6) The lieutenant governor shall ensure that the certification described in Subsection  
1195 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
1196 under this section.

1197 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
1198 is nominated by a qualified political party under this section, designate the qualified political  
1199 party that nominated the candidate.

1200 (8) A member of a qualified political party may seek the nomination of the qualified  
1201 political party for an elective office by:

1202 (a) complying with the requirements described in this section; and

1203 (b) collecting signatures, on a form approved by the lieutenant governor, during the  
1204 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before  
1205 the day on which the qualified political party's convention for the office is held, in the

1206 following amounts:

1207 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
1208 permitted by the qualified political party to vote for the qualified political party's candidates in  
1209 a primary election;

1210 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
1211 residents of the congressional district and are permitted by the qualified political party to vote  
1212 for the qualified political party's candidates in a primary election;

1213 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
1214 residents of the state Senate district and are permitted by the qualified political party to vote for  
1215 the qualified political party's candidates in a primary election;

1216 (iv) for a state House district race, 1,000 signatures of registered voters who are  
1217 residents of the state House district and are permitted by the qualified political party to vote for  
1218 the qualified political party's candidates in a primary election;

1219 (v) for a State Board of Education race, the lesser of:

1220 (A) 2,000 signatures of registered voters who are residents of the State Board of  
1221 Education district and are permitted by the qualified political party to vote for the qualified  
1222 political party's candidates in a primary election; or

1223 (B) 3% of the registered voters of the qualified political party who are residents of the  
1224 applicable State Board of Education district; and

1225 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
1226 of the area permitted to vote for the county office and are permitted by the qualified political  
1227 party to vote for the qualified political party's candidates in a primary election.

1228 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
1229 for the qualified political party's nomination for an elective office under this section, the  
1230 member shall:

1231 (i) collect the signatures on a form approved by the lieutenant governor, using the same  
1232 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

1233 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days

1234 before the day on which the qualified political party holds the party's convention to select  
1235 candidates, for the elective office, for the qualified political party's nomination.

1236 (b) An individual may not gather signatures under this section until after the individual  
1237 files a notice of intent to gather signatures for candidacy described in this section.

1238 (c) An individual who files a notice of intent to gather signatures for candidacy,  
1239 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
1240 the notice of intent to gather signatures for candidacy:

1241 (i) required to comply with the reporting requirements that a candidate for office is  
1242 required to comply with; and

1243 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
1244 apply to a candidate for office in relation to the reporting requirements described in Subsection  
1245 (9)(c)(i).

1246 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
1247 election officer shall, no later than the earlier of 14 days after the day on which the election  
1248 officer receives the signatures, or one day before the day on which the qualified political party  
1249 holds the convention to select a nominee for the elective office to which the signature packets  
1250 relate:

1251 (i) check the name of each individual who completes the verification for a signature  
1252 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1253 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
1254 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1255 (iii) determine whether each signer is a registered voter who is qualified to sign the  
1256 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
1257 on a petition; and

1258 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
1259 signature packet.

1260 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
1261 election officer shall, no later than one day before the day on which the qualified political party

1262 holds the convention to select a nominee for the elective office to which the signature packets  
1263 relate, notify the qualified political party and the lieutenant governor of the name of each  
1264 member of the qualified political party who qualifies as a nominee of the qualified political  
1265 party, under this section, for the elective office to which the convention relates.

1266 (f) Upon receipt of a notice of intent to gather signatures for candidacy described in  
1267 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
1268 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
1269 posts a declaration of candidacy.

1270 Section 11. Section **20A-9-409** is amended to read:

1271 **20A-9-409. Primary election provisions relating to qualified political party.**

1272 (1) The [~~fourth Tuesday of June of each even-numbered year is designated as a~~] regular  
1273 primary election [~~day~~] is held on the date specified in Section [20A-1-201.5](#).

1274 (2) (a) A qualified political party that nominates one or more candidates for an elective  
1275 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that  
1276 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election  
1277 for that office.

1278 (b) A qualified political party that has only one candidate qualify as a candidate for an  
1279 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office  
1280 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for  
1281 that office.

1282 (c) A qualified political party that nominates one or more candidates for an elective  
1283 office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that  
1284 office under Section [20A-9-408](#) shall participate in the primary election for that office.

1285 (d) A qualified political party that has two or more candidates qualify as candidates for  
1286 an elective office under Section [20A-9-408](#) and does not nominate a candidate for that office  
1287 under Section [20A-9-407](#) shall participate in the primary election for that office.

1288 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section  
1289 [17-52a-201](#) or [17-52a-202](#), a qualified political party shall participate in the primary election

1290 for a county commission office if:

1291 (a) there is more than one:

1292 (i) open position as defined in Section 17-52a-201; or

1293 (ii) midterm vacancy as defined in Section 17-52a-201; and

1294 (b) the number of candidates nominated under Section 20A-9-407 or qualified under

1295 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number

1296 of respective open positions or midterm vacancies.

1297 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

1298 (i) no individual other than the candidate receives a certification, from the appropriate

1299 filing officer, for the regular primary election ballot of the candidate's registered political party

1300 for a particular elective office; or

1301 (ii) for an office where more than one individual is to be elected or nominated, the

1302 number of candidates who receive certification, from the appropriate filing officer, for the

1303 regular primary election of the candidate's registered political party does not exceed the total

1304 number of candidates to be elected or nominated for that office.

1305 (b) ~~[By 5 p.m. on the first Wednesday after the third Saturday in April]~~ Before the

1306 deadline described in Subsection (4)(c), the lieutenant governor shall:

1307 (i) provide to the county clerks:

1308 (A) a list of the names of all candidates for federal, constitutional, multi-county, single

1309 county, and county offices who have received certifications from the appropriate filing officer,

1310 along with instructions on how those names shall appear on the primary election ballot in

1311 accordance with Section 20A-6-305; and

1312 (B) a list of unopposed candidates for elective office who have been nominated by a

1313 registered political party; and

1314 (ii) instruct the county clerks to exclude unopposed candidates from the primary

1315 election ballot.

1316 (c) The deadline described in Subsection (4)(b) is:

1317 (i) in a year other than 2020, 5 p.m. on the first Wednesday after the third Saturday in

- 1318 April; or
- 1319 (ii) in 2020, 5 p.m. April 29.
- 1320 Section 12. Section **63I-2-220** is amended to read:
- 1321 **63I-2-220. Repeal dates -- Title 20A.**
- 1322 (1) On January 1, 2021:
- 1323 (a) Subsection 20A-1-201.5(1), the language that states "Except as provided in
- 1324 Subsection (4)," is repealed.
- 1325 (b) Subsection 20A-1-201.5(4) is repealed.
- 1326 (c) Subsections 20A-1-204(1)(a)(i) through (iii) are repealed and replaced with the
- 1327 following:
- 1328 "(i) the fourth Tuesday in June; or
- 1329 (ii) the first Tuesday after the first Monday in November."
- 1330 (d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),
- 1331 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection
- 1332 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.
- 1333 (e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:
- 1334 "(b) Unless expressly provided otherwise in this title, for a registered political party that
- 1335 is not a qualified political party, the deadline for filing a declaration of candidacy for an
- 1336 elective office that is to be filled at the next regular general election is 5 p.m. on the first
- 1337 Monday after the third Saturday in April.";
- 1338 (f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:
- 1339 "(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
- 1340 the third Saturday in April."
- 1341 ~~[(1)]~~ (2) Subsection 20A-5-803(8) is repealed July 1, 2023.
- 1342 ~~[(2)]~~ (3) Section 20A-5-804 is repealed July 1, 2023.
- 1343 ~~[(3)]~~ (4) On January 1, 2026:
- 1344 (a) In Subsection 20A-1-102(22)(a), the language that states "or Title 20A, Chapter 4,
- 1345 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1346 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as  
1347 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
1348 repealed.

1349 (c) In Section 20A-1-304, the language that states "Except for a race conducted by  
1350 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods  
1351 Pilot Project," is repealed.

1352 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in  
1353 Subsection (5)," is repealed.

1354 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except  
1355 as provided in Subsections (5) and (6)," is repealed.

1356 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states  
1357 "Subject to Subsection (5)," is repealed.

1358 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section  
1359 20A-3-105 are renumbered accordingly.

1360 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in  
1361 Subsection (2)(f)," is repealed.

1362 (i) Subsection 20A-4-101(2)(f) is repealed.

1363 (j) Subsection 20A-4-101(3) is repealed and replaced with the following:

1364 " (3) To resolve questions that arise during the counting of ballots, a counting judge  
1365 shall apply the standards and requirements of Section 20A-4-105."

1366 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under  
1367 Subsection 20A-4-101(2)(f)(i)" is repealed.

1368 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

1369 "(b) To resolve questions that arise during the counting of ballots, a counting judge  
1370 shall apply the standards and requirements of Section 20A-4-105."

1371 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in  
1372 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made  
1373 under Subsection 20A-4-101(2)(f)(i)" is repealed.

1374 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise  
1375 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
1376 repealed.

1377 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or  
1378 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1379 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as  
1380 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot  
1381 Project," is repealed.

1382 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter  
1383 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1384 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title  
1385 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1386 (s) Subsection 20A-4-304(2)(e) is repealed and replaced with the following:

1387 "(v) from each voting precinct:

1388 (A) the number of votes for each candidate; and

1389 (B) the number of votes for and against each ballot proposition;".

1390 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)  
1391 are renumbered accordingly, and the cross-references to those subsections are renumbered  
1392 accordingly.

1393 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is  
1394 repealed.

1395 (v) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local political  
1396 subdivision to conduct an election, is repealed.

1397 (w) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in  
1398 Subsection (3) are renumbered accordingly.

1399 (x) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in  
1400 Subsection (4) are renumbered accordingly.

1401 (y) In Section 20A-5-802, relating to the certification of voting equipment:

1402 (i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of  
1403 Subsection (2); and

1404 (ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered  
1405 accordingly.

1406 (z) Section 20A-6-203.5 is repealed.

1407 (aa) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as  
1408 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,  
1409 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1410 (bb) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter  
1411 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1412 (cc) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in  
1413 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1414 (dd) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,  
1415 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1416 (ee) In Subsection 20A-9-404(2), the language that states "Except as otherwise  
1417 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
1418 repealed.

1419 [~~6~~] (5) Section 20A-7-407 is repealed January 1, 2021.

1420 Section 13. **Effective date.**

1421 If approved by two-thirds of all the members elected to each house, this bill takes effect  
1422 upon approval by the governor, or the day following the constitutional time limit of Utah  
1423 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
1424 the date of veto override.