

ELECTION LAW REVISIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Marc K. Roberts

LONG TITLE

General Description:

This bill amends provisions relating to candidate filings and ballots.

Highlighted Provisions:

This bill:

- ▶ removes a statement from the unaffiliated portion of the ballot; and
- ▶ modifies the definition of "filing officer" in relation to state legislators.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-6-301, as last amended by Laws of Utah 2018, Chapter 274

20A-9-101, as last amended by Laws of Utah 2018, Chapter 19

20A-11-1602, as last amended by Laws of Utah 2019, Chapter 266

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

Section 1. Section **20A-6-301** is amended to read:

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

(1) Each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular general election contain:

(i) no captions or other endorsements except as provided in this section;

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

33 (iii) no indication that a candidate for elective office has been nominated by, or has
34 been endorsed by, or is in any way affiliated with a political party or group, unless the
35 candidate has been nominated by a registered political party in accordance with Subsection
36 20A-9-202(4) or Subsection 20A-9-403(5).

37 (b) immediately below the perforated ballot stub, the following endorsements are
38 printed in 18 point bold type:

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

40 (ii) the date of the election; and

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

43 (c) the party name or title is printed in capital letters not less than one-fourth of an inch
44 high;

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

52 (e) each ticket containing the lists of candidates, including the party name and device,
53 are separated by heavy parallel lines;

54 (f) the offices to be filled are plainly printed immediately above the names of the
55 candidates for those offices;

56 (g) the names of candidates are printed in capital letters, not less than one-eighth nor
57 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between

58 lines or rules three-eighths of an inch apart; and

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

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

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

67 (2) Each election officer shall ensure that:

68 (a) each person nominated by any registered political party under Subsection
69 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

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

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

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

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

77 (d) the ballots contain no other names.

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

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

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

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

85 (d) the nonpartisan candidates are grouped according to the office for which they are

86 candidates;

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

89 (f) each group is preceded by the designation of the office for which the candidates
90 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of
91 candidates for which the voter may vote)," according to the number to be elected.

92 (4) Each election officer shall ensure that:

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

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

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

99 Section 2. Section 20A-9-101 is amended to read:

100 **20A-9-101. Definitions.**

101 As used in this chapter:

102 (1) (a) "Candidates for elective office" means persons who file a declaration of
103 candidacy under Section 20A-9-202 to run in a regular general election for a federal office,
104 constitutional office, multicounty office, or county office.

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

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

107 (ii) presidential elector;

108 (iii) any political party offices; and

109 (iv) municipal or local district offices.

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

112 (3) "Continuing political party" means the same as that term is defined in Section
113 20A-8-101.

114 (4) (a) "County office" means an elective office where the officeholder is selected by
115 voters entirely within one county.

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

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

118 (ii) the office of presidential elector;

119 (iii) any political party offices;

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

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

122 (5) "Federal office" means an elective office for United States Senator and United
123 States Representative.

124 (6) "Filing officer" means:

125 (a) the lieutenant governor, for:

126 (i) the office of United States Senator and United States Representative; and

127 (ii) all constitutional offices;

128 (b) for the office of a state senator or state representative, the lieutenant governor or the
129 applicable clerk described in Subsection (6)(c) or (d);

130 [~~(b)~~] (c) the county clerk, for county offices and local school district offices;

131 [~~(c)~~] (d) the county clerk in the filer's county of residence, for multicounty offices;

132 [~~(d)~~] (e) the city or town clerk, for municipal offices; [~~and~~] or

133 [~~(e)~~] (f) the local district clerk, for local district offices.

134 (7) "Local district office" means an elected office in a local district.

135 (8) "Local government office" includes county offices, municipal offices, and local
136 district offices and other elective offices selected by the voters from a political division entirely
137 within one county.

138 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
139 by the voters from more than one county.

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

141 (i) a county office;

- 142 (ii) a federal office;
- 143 (iii) the office of justice or judge of any court of record or not of record;
- 144 (iv) the office of presidential elector;
- 145 (v) any political party offices; [~~and~~] or
- 146 (vi) any municipal or local district offices.
- 147 (10) "Municipal office" means an elective office in a municipality.
- 148 (11) (a) "Political division" means a geographic unit from which an officeholder is
- 149 elected and that an officeholder represents.
- 150 (b) "Political division" includes a county, a city, a town, a local district, a school
- 151 district, a legislative district, and a county prosecution district.
- 152 (12) "Qualified political party" means a registered political party that:
- 153 (a) (i) permits a delegate for the registered political party to vote on a candidate
- 154 nomination in the registered political party's convention remotely; or
- 155 (ii) provides a procedure for designating an alternate delegate if a delegate is not
- 156 present at the registered political party's convention;
- 157 (b) does not hold the registered political party's convention before the fourth Saturday
- 158 in March of an even-numbered year;
- 159 (c) permits a member of the registered political party to seek the registered political
- 160 party's nomination for any elective office by the member choosing to seek the nomination by
- 161 either or both of the following methods:
- 162 (i) seeking the nomination through the registered political party's convention process,
- 163 in accordance with the provisions of Section [20A-9-407](#); or
- 164 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
- 165 of Section [20A-9-408](#); and
- 166 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
- 167 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
- 168 election in the following year, the registered political party intends to nominate the registered
- 169 political party's candidates in accordance with the provisions of Section [20A-9-406](#); or

170 (ii) if the registered political party is not a continuing political party, certifies at the
171 time that the registered political party files the petition described in Section 20A-8-103 that, for
172 the next election, the registered political party intends to nominate the registered political
173 party's candidates in accordance with the provisions of Section 20A-9-406.

174 Section 3. Section 20A-11-1602 is amended to read:

175 **20A-11-1602. Definitions.**

176 As used in this part:

177 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that
178 the officeholder reasonably believes may cause direct financial benefit or detriment to the
179 officeholder, a member of the officeholder's immediate family, or an individual or entity that
180 the officeholder is required to disclose under the provisions of this section, if that benefit or
181 detriment is distinguishable from the effects of that action on the public or on the officeholder's
182 profession, occupation, or association generally.

183 (2) "Conflict of interest disclosure" means:

184 (a) before January 1, 2020, a conflict of interest disclosure form that includes all
185 information required under Section 20A-11-1604; and

186 (b) on or after January 1, 2020, a disclosure, on the website, of all information required
187 under Section 20A-11-1604.

188 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited
189 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
190 venture, a governmental entity, an unincorporated organization, or any other legal entity,
191 regardless of whether it is established primarily for the purpose of gain or economic profit.

192 (4) "Filing officer" means:

193 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
194 of Education member; or

195 (b) the lieutenant governor or the county clerk in the county of the candidate's
196 residence, for a state legislative office.

197 (5) "Immediate family" means the regulated officeholder's spouse, a child living in the

198 regulated officeholder's immediate household, or an individual claimed as a dependent for state
199 or federal income tax purposes by the regulated officeholder.

200 (6) "Income" means earnings, compensation, or any other payment made to an
201 individual for gain, regardless of source, whether denominated as wages, salary, commission,
202 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
203 reimbursement, dividends, or otherwise.

204 (7) (a) "Owner or officer" means an individual who owns an ownership interest in an
205 entity or holds a position where the person has authority to manage, direct, control, or make
206 decisions for:

- 207 (i) the entity or a portion of the entity; or
- 208 (ii) an employee, agent, or independent contractor of the entity.

209 (b) "Owner or officer" includes:

- 210 (i) a member of a board of directors or other governing body of an entity; or
- 211 (ii) a partner in any type of partnership.

212 (8) "Preceding year" means the year immediately preceding the day on which the
213 regulated officeholder makes a conflict of interest disclosure.

214 (9) "Regulated officeholder" means an individual who is required to make a conflict of
215 interest disclosure under the provisions of this part.

216 (10) "State constitutional officer" means the governor, the lieutenant governor, the state
217 auditor, the state treasurer, or the attorney general.

218 (11) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure
219 Website described in Section [20A-11-1602.5](#).