

Senator Daniel McCay proposes the following substitute bill:

BALLOT AND VOTER INFORMATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to ballots.

Highlighted Provisions:

This bill:

- ▶ removes a statement from the unaffiliated portion of the ballot; and
- ▶ prohibits an individual from voting in the regular primary election of a political party if the individual voted in the presidential primary election, in the same year, of a different political party.

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-9-403, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

20A-9-406, as last amended by Laws of Utah 2018, Chapter 274



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

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

28 **20A-6-301. Paper ballots -- Regular general election.**

29 (1) Each election officer shall ensure that:

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

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

32 (ii) no symbols, markings, or other descriptions of a political party or group, except for

33 a registered political party that has chosen to nominate its candidates in accordance with

34 Section [20A-9-403](#); and

35 (iii) no indication that a candidate for elective office has been nominated by, or has

36 been endorsed by, or is in any way affiliated with a political party or group, unless the

37 candidate has been nominated by a registered political party in accordance with Subsection

38 [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#).

39 (b) immediately below the perforated ballot stub, the following endorsements are

40 printed in 18 point bold type:

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

42 (ii) the date of the election; and

43 (iii) the words "Clerk of _____ County" or, as applicable, the name of a

44 combined office that includes the duties of a county clerk;

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

46 high;

47 (d) unaffiliated candidates, candidates not affiliated with a registered political party,

48 and all other candidates for elective office who were not nominated by a registered political

49 party in accordance with Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#), are listed with

50 the other candidates for the same office in accordance with Section [20A-6-305](#), without a party

51 name or title[, and with a mark referencing the following statement at the bottom of the ticket:

52 "~~This candidate is not affiliated with, or does not qualify to be listed on the ballot as affiliated~~

53 ~~with, a political party.~~";

54 (e) each ticket containing the lists of candidates, including the party name and device,

55 are separated by heavy parallel lines;

56 (f) the offices to be filled are plainly printed immediately above the names of the

57 candidates for those offices;

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

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

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

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

69 (2) Each election officer shall ensure that:

70 (a) each person nominated by any registered political party under Subsection
71 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

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

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

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

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

79 (d) the ballots contain no other names.

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

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

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

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

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

88 candidates;

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

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

94 (4) Each election officer shall ensure that:

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

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

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

101 Section 2. Section 20A-9-403 is amended to read:

102 **20A-9-403. Regular primary elections.**

103 (1) (a) Candidates for elective office that are to be filled at the next regular general
104 election shall be nominated in a regular primary election by direct vote of the people in the
105 manner prescribed in this section. The regular primary election is held on the date specified in
106 Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a
107 regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to
108 participate in a regular general election as a write-in candidate under Section 20A-9-601.

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

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

118 (d) Unless noted otherwise, the dates in this section refer to those that occur in each

119 even-numbered year in which a regular general election will be held.

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

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

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

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

133 (ii) An organization that is seeking to become a registered political party under Section
134 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
135 political party files the petition described in Section 20A-8-103.

136 (c) (i) A presidential primary election and a regular primary election held during the
137 same year are considered one primary election for the purpose of determining whether a voter
138 may vote in the primary election for a particular political party.

139 (ii) Consistent with Subsection (2)(c)(i), an individual who, after voting in a
140 presidential primary election and before voting in the regular primary election during the same
141 year, changes the individual's political party affiliation status may not vote in the regular
142 primary election of a political party other than the political party in whose presidential primary
143 the individual voted.

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

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

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

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

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

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

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

164 (d) The filing officer shall:

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

167 (ii) for all qualifying candidates for elective office who submit nomination petitions to
168 the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline
169 described in Subsection [20A-9-202\(1\)\(b\)\(i\)](#) or (ii);

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

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

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

178 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
179 lieutenant governor may appear on the regular primary ballot of a registered political party
180 without submitting nomination petitions if the candidate files a declaration of candidacy and

181 complies with Subsection 20A-9-202(3).

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

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

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

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

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

190 (g) The county clerk shall:

191 (i) review the declarations of candidacy filed by candidates for local boards of
192 education to determine if more than two candidates have filed for the same seat;

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

196 (iii) determine the order of the local board of education candidates' names on the ballot
197 in accordance with Section 20A-6-305.

198 (4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
199 governor shall provide to the county clerks:

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

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

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

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

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

216 Attest: county clerk."

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

219 (i) nominated for that office by the candidate's registered political party; or

220 (ii) for a nonpartisan local school board position, nominated for that office.

221 (b) If two or more candidates are to be elected to the office at the regular general
222 election, those party candidates equal in number to positions to be filled who receive the
223 highest number of votes at the regular primary election are the nominees of the candidates'
224 party for those positions.

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

226 (A) no individual other than the candidate receives a certification under Subsection (3)
227 for the regular primary election ballot of the candidate's registered political party for a
228 particular elective office; or

229 (B) for an office where more than one individual is to be elected or nominated, the
230 number of candidates who receive certification under Subsection (3) for the regular primary
231 election of the candidate's registered political party does not exceed the total number of
232 candidates to be elected or nominated for that office.

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

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

240 (b) When a tie vote occurs in any primary election for any county office, the district
241 court judges of the district in which the county is located shall, at a public meeting called by
242 the judges and in the presence of the candidates involved, select the nominee by lot cast in

243 whatever manner the judges determine.

244 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
245 primary election provided for by this section, and all expenses necessarily incurred in the
246 preparation for or the conduct of that primary election shall be paid out of the treasury of the
247 county or state, in the same manner as for the regular general elections.

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

251 Section 3. Section **20A-9-406** is amended to read:

252 **20A-9-406. Qualified political party -- Requirements and exemptions.**

253 The following provisions apply to a qualified political party:

254 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each
255 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
256 political parties whose members may vote for the qualified political party's candidates and
257 whether unaffiliated voters may vote for the qualified political party's candidates;

258 (2) the provisions of Subsections **20A-9-403**(1) through (2)(b) and (3) through (4)(a),
259 Subsection **20A-9-403**(5)(c), and Section **20A-9-405** do not apply to a nomination for the
260 qualified political party;

261 (3) an individual may only seek the nomination of the qualified political party by using
262 a method described in Section **20A-9-407**, Section **20A-9-408**, or both;

263 (4) the qualified political party shall comply with the provisions of Sections
264 **20A-9-407**, **20A-9-408**, and **20A-9-409**;

265 (5) notwithstanding Subsection **20A-6-301**(1)(a), (1)(f), or (2)(a), each election officer
266 shall ensure that a ballot described in Section **20A-6-301** includes each individual nominated
267 by a qualified political party:

268 (a) under the qualified political party's name, if any; or

269 (b) under the title of the qualified registered political party as designated by the
270 qualified political party in the certification described in Subsection (1), or, if none is
271 designated, then under some suitable title;

272 (6) notwithstanding Subsection **20A-6-302**(1)(a), each election officer shall ensure, for
273 paper ballots in regular general elections, that each candidate who is nominated by the qualified

274 political party is listed by party;

275 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
276 the party designation of each candidate who is nominated by the qualified political party is
277 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

278 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
279 the party designation of each candidate who is nominated by the qualified political party is
280 displayed adjacent to the candidate's name on an electronic ballot;

281 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
282 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
283 20A-9-408 to run in a regular general election for a federal office, constitutional office,
284 multicounty office, or county office;

285 (10) an individual who is nominated by, or seeking the nomination of, the qualified
286 political party is not required to comply with Subsection 20A-9-201(1)(c);

287 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
288 to have each of the qualified political party's candidates for elective office appear on the
289 primary ballot of the qualified political party with an indication that each candidate is a
290 candidate for the qualified political party;

291 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
292 on the list provided by the lieutenant governor to the county clerks:

293 (a) the names of all candidates of the qualified political party for federal, constitutional,
294 multicounty, and county offices; and

295 (b) the names of unopposed candidates for elective office who have been nominated by
296 the qualified political party and instruct the county clerks to exclude such candidates from the
297 primary-election ballot;

298 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
299 elective office in the regular primary election of the qualified political party is nominated by
300 the party for that office without appearing on the primary ballot; and

301 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
302 20A-9-405, the qualified political party is entitled to have the names of its candidates for
303 elective office featured with party affiliation on the ballot at a regular general election.