

BALLOT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill addresses general election ballot requirements.

Highlighted Provisions:

This bill:

- ▶ clarifies the requirement to include a reference to the Judicial Performance Evaluation Commission's website address on the judicial retention portion of a general election ballot.

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 2020, Chapters 31, 49, and 344

20A-6-304, as last amended by Laws of Utah 2020, Chapter 31

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

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

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

(1) Each election officer shall ensure that:

(a) all manual 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) at the top of the ballot, the following endorsements are printed in 18 point bold type:

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

39 (ii) the date of the election; and

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

42 (c) unaffiliated candidates, candidates not affiliated with a registered political party,
43 and all other candidates for elective office who were not nominated by a registered political
44 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with
45 the other candidates for the same office in accordance with Section 20A-6-305, without a party
46 name or title;

47 (d) each ticket containing the lists of candidates, including the party name and device,
48 are separated by heavy parallel lines;

49 (e) the offices to be filled are plainly printed immediately above the names of the
50 candidates for those offices;

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

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

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

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

62 (2) An election officer shall ensure that:

63 (a) each individual nominated by any registered political party under Subsection
64 [20A-9-202](#)(4) or Subsection [20A-9-403](#)(5), and no other individual, is placed on the ballot:

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

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

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

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

72 (d) the ballots contain no other names.

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

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

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

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

80 (d) the nonpartisan candidates are grouped according to the office for which they are
81 candidates;

82 (e) the names in each group are placed in the order specified under Section [20A-6-305](#)
83 with the surnames last; and

84 (f) each group is preceded by the designation of the office for which the candidates
85 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of

86 candidates for which the voter may vote)," according to the number to be elected.

87 (4) Each election officer shall ensure that:

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

90 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
91 with Section 20A-6-107; [~~and~~]

92 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
93 title assigned to each bond proposition under Section 11-14-206[-]; and

94 (d) the judicial retention section of the ballot includes a statement at the beginning
95 directing voters to the Judicial Performance Evaluation Commission's website in accordance
96 with Subsection 20A-12-201(4).

97 Section 2. Section 20A-6-304 is amended to read:

98 **20A-6-304. Regular general election -- Mechanical ballots.**

99 (1) Each election officer shall ensure that:

100 (a) the format and content of a mechanical ballot is arranged in approximately the same
101 order as manual ballots;

102 (b) the titles of offices and the names of candidates are displayed in vertical columns or
103 in a series of separate displays;

104 (c) the mechanical ballot is of sufficient length to include, after the list of candidates:

105 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

106 (ii) any ballot propositions submitted to the voters for their approval or rejection;

107 (d) the office titles are displayed above or at the side of the names of candidates so as
108 to indicate clearly the candidates for each office and the number to be elected;

109 (e) the party designation of each candidate who has been nominated by a registered
110 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed
111 adjacent to the candidate's name; and

112 (f) if possible, all candidates for one office are grouped in one column or upon one
113 display screen.

114 (2) Each election officer shall ensure that:
115 (a) proposed amendments to the Utah Constitution are displayed in accordance with
116 Section [20A-6-107](#);
117 (b) ballot propositions submitted to the voters are displayed in accordance with Section
118 [20A-6-107](#); [~~and~~]
119 (c) bond propositions that have qualified for the ballot are displayed under the title
120 assigned to each bond proposition under Section [11-14-206](#)[~~-~~]; and
121 (d) the judicial retention section of the ballot includes a statement at the beginning
122 directing voters to the Judicial Performance Evaluation Commission's website in accordance
123 with Subsection [20A-12-201](#)(4).