

Senator Kirk A. Cullimore proposes the following substitute bill:

PRIMARY BALLOT REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Kirk A. Cullimore

6	Cosponsors:	Jon Hawkins	Jefferson Moss
7	Nelson T. Abbott	Ken Ivory	Michael J. Petersen
8	Cheryl K. Acton	Colin W. Jack	Thomas W. Peterson
9	Carl R. Albrecht	Tim Jimenez	Val L. Peterson
10	Kera Birkeland	Dan N. Johnson	Candice B. Pierucci
11	Bridger Bolinder	Michael L. Kohler	Judy Weeks Rohner
12	Brady Brammer	Jason Kyle	Mike Schultz
13	Walt Brooks	Trevor Lee	Rex P. Shipp
14	Jefferson S. Burton	Karianne Lisonbee	Casey Snider
15	Tyler Clancy	Anthony E. Loubet	Mark A. Strong
16	Joseph Elison	Steven J. Lund	R. Neil Walter
17	Stephanie Gricius	Phil Lyman	Ryan D. Wilcox
18	Matthew H. Gwynn	A. Cory Maloy	
	Katy Hall		

19

20 **LONG TITLE**

21 **General Description:**

22 This bill addresses the primary convention process.

23 **Highlighted Provisions:**



- 24 This bill:
- 25 ▶ requires a qualified political party to report the results of a nominating convention
- 26 to the lieutenant governor;
- 27 ▶ instructs an election officer to identify on a primary ballot the candidates nominated
- 28 at the qualified political party's nominating convention; and
- 29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 [20A-9-406](#), as last amended by Laws of Utah 2022, Chapter 13

37 [20A-9-407](#), as last amended by Laws of Utah 2022, Chapter 13



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

40 Section 1. Section [20A-9-406](#) is amended to read:

41 **[20A-9-406. Qualified political party -- Requirements and exemptions.](#)**

42 The following provisions apply to a qualified political party:

43 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of

44 October of each odd-numbered year, certify to the lieutenant governor the identity of one or

45 more registered political parties whose members may vote for the qualified political party's

46 candidates and whether unaffiliated voters may vote for the qualified political party's

47 candidates;

48 (2) the following provisions do not apply to a nomination for the qualified political

49 party:

50 (a) Subsections [20A-9-403](#)(1) through (3)(b) and (3)(d) through (4)(a);

51 (b) Subsection [20A-9-403](#)(5)(c); and

52 (c) Section [20A-9-405](#);

53 (3) an individual may only seek the nomination of the qualified political party by using

54 a method described in Section [20A-9-407](#), Section [20A-9-408](#), or both;

55 (4) the qualified political party shall comply with the provisions of Sections
56 [20A-9-407](#), [20A-9-408](#), and [20A-9-409](#);

57 (5) notwithstanding Subsection [20A-6-301](#)(1)(a), (1)(e), or (2)(a), each election officer
58 shall ensure that a ballot described in Section [20A-6-301](#) includes each individual nominated
59 by a qualified political party:

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

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

64 (6) notwithstanding Subsection [20A-6-302](#)(1)(a), each election officer shall ensure, for
65 ballots in regular general elections, that each candidate who is nominated by the qualified
66 political party is listed by party;

67 (7) notwithstanding Subsection [20A-6-304](#)(1)(e), each election officer shall ensure that
68 the party designation of each candidate who is nominated by the qualified political party is
69 displayed adjacent to the candidate's name on a mechanical ballot;

70 (8) "candidates for elective office," defined in Subsection [20A-9-101](#)(1)(a), also
71 includes an individual who files a declaration of candidacy under Section [20A-9-407](#) or
72 [20A-9-408](#) to run in a regular general election for a federal office, constitutional office,
73 multicounty office, or county office;

74 (9) an individual who is nominated by, or seeking the nomination of, the qualified
75 political party is not required to comply with Subsection [20A-9-201](#)(1)(c);

76 (10) notwithstanding Subsection [20A-9-403](#)(3), the qualified political party is entitled
77 to have each of the qualified political party's candidates for elective office appear on the
78 primary ballot of the qualified political party with an indication that each candidate is a
79 candidate for the qualified political party;

80 (11) notwithstanding Section [20A-9-403](#), an election officer shall ensure that, for a
81 ballot in a regular primary election, if the qualified political party nominates at least one
82 candidate for a partisan elective office under the method described in Section [20A-9-407](#), or
83 nominates at least one candidate for a partisan elective office under each of the methods
84 described in Section [20A-9-407](#) and Section [20A-9-408](#):

85 (a) an asterisk is placed immediately to the right of the name of each candidate on the

86 ballot that was nominated under the method described in 20A-9-407; and

87 (b) a separate asterisk is placed at the bottom of the ballot, aligned left, followed by the
88 italicized statement: "This candidate has received the nomination of the candidate's political
89 party at the party's nominating convention.";

90 [~~H~~] (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall
91 include on the list provided by the lieutenant governor to the county clerks:

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

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

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

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

103 Section 2. Section 20A-9-407 is amended to read:

104 **20A-9-407. Convention process to seek the nomination of a qualified political**
105 **party.**

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

109 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
110 candidacy for a member of a qualified political party who is nominated by, or who is seeking
111 the nomination of, the qualified political party under this section shall be substantially as
112 described in Section 20A-9-408.5.

113 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
114 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
115 nomination of the qualified political party for an elective office that is to be filled at the next
116 general election, shall:

117 (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in
118 person with the filing officer during the declaration of candidacy filing period described in
119 Section 20A-9-201.5; and

120 (b) pay the filing fee.

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

125 (a) file a declaration of candidacy with the county clerk designated in the interlocal
126 agreement creating the prosecution district during the declaration of candidacy filing period
127 described in Section 20A-9-201.5; and

128 (b) pay the filing fee.

129 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
130 who files as the joint-ticket running mate of an individual who is nominated by a qualified
131 political party, under this section, for the office of governor shall, during the declaration of
132 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and
133 submit a letter from the candidate for governor that names the lieutenant governor candidate as
134 a joint-ticket running mate.

135 (6) (a) A qualified political party that nominates a candidate under this section shall
136 certify the name of the candidate to the lieutenant governor before the deadline described in
137 Subsection 20A-9-202(1)(b).

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

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

145 (8) A qualified political party that nominates one or more candidates under this section
146 shall certify the convention results to the lieutenant governor before the deadline described in
147 Subsection 20A-9-202(1)(b).

148 (9) The certification of convention results described in Subsection (8) shall include, for
149 each race for the nomination for an office:

150 (a) the name of each convention candidate seeking the party's nomination for that
151 office;

152 (b) an explanation of the voting method used by the qualified political party to
153 nominate and eliminate convention candidates for that office; and

154 (c) the percentage of the votes received by each candidate in each round of voting.