

**ELECTIONS AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code relating to nomination of candidates, primary and general elections, and ballots.

**Highlighted Provisions:**

This bill:

- ▶ defines terms and modifies defined terms;
- ▶ enacts a severability clause;
- ▶ modifies dates and other provisions relating to a notice of election;
- ▶ except as it relates to presidential candidates, prohibits a ballot or ballot sheet from indicating that a candidate is associated with a political party unless the candidate is nominated by petition or nominated by a qualified political party;
- ▶ changes dates relating to the establishment and publication of the master ballot position list;
- ▶ defines a qualified political party as a registered political party that:
  - permits voters who are unaffiliated with any political party to vote for the registered political party's candidates in a primary election;
  - permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely or permits the designation of an alternate delegate;
  - does not hold the registered political party's convention before April 1 of an even-numbered year; and
  - permits a member of the registered political party to seek the registered political

party's nomination for any elective office by seeking the nomination through the registered political party's convention process, seeking the nomination by collecting signatures, or both;

- ▶ modifies provisions and dates relating to a declaration of candidacy;
- ▶ provides that candidates for elective office shall be nominated in direct primary elections, unless the candidates are listed on the ballot as unaffiliated or are nominated by a qualified political party;
- ▶ modifies provisions relating to the conduct of a primary election;
- ▶ describes petition requirements for appearing on a primary election ballot for nomination as a candidate for an identified political party;
- ▶ grants rulemaking authority;
- ▶ describes duties of the lieutenant governor and county clerks in relation to the provisions of this bill;
- ▶ describes requirements and exceptions for a qualified political party;
- ▶ describes two alternate nomination procedures for a qualified political party; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on January 1, 2015.

**Utah Code Sections Affected:****AMENDS:**

**20A-1-102**, as last amended by Laws of Utah 2013, Chapter 320

**20A-1-501**, as last amended by Laws of Utah 2013, Chapter 317

**20A-5-101**, as last amended by Laws of Utah 2011, Chapters 291 and 292

**20A-6-301**, as last amended by Laws of Utah 2012, Chapter 68

**20A-6-302**, as last amended by Laws of Utah 2013, Chapter 317

**20A-6-303**, as last amended by Laws of Utah 2011, Chapter 292

**20A-6-304**, as last amended by Laws of Utah 2011, Chapter 292

20A-6-305, as enacted by Laws of Utah 2011, Chapter 292

20A-9-101, as last amended by Laws of Utah 2007, Chapter 329

20A-9-201, as last amended by Laws of Utah 2013, Chapters 145 and 317

20A-9-202, as last amended by Laws of Utah 2013, Chapter 317

20A-9-403, as last amended by Laws of Utah 2013, Chapter 317

20A-9-701, as last amended by Laws of Utah 2011, Chapter 327

ENACTS:

20A-1-103, Utah Code Annotated 1953

20A-9-405, Utah Code Annotated 1953

20A-9-406, Utah Code Annotated 1953

20A-9-407, Utah Code Annotated 1953

20A-9-408, Utah Code Annotated 1953

20A-9-409, Utah Code Annotated 1953

20A-9-410, Utah Code Annotated 1953

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

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

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

As used in this title:

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

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

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

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

~~(5)~~ (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

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

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

~~[(6)]~~ (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

~~[(4)]~~ (6) "Ballot sheet":

(a) means a ballot that:

(i) consists of paper or a card where the voter's votes are marked or recorded; and

(ii) can be counted using automatic tabulating equipment; and

(b) includes punch card ballots and other ballots that are machine-countable.

(7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

(8) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(9) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(10) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

(11) "Business reply mail envelope" means an envelope that may be mailed free of

charge by the sender.

(12) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(13) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(14) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

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

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

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

(19) "Counting poll watcher" means a person selected as provided in Section [20A-3-201](#) to witness the counting of ballots.

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

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

(22) "Date of the election" or "election day" or "day of the election":

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

142 Voting.

143 (23) "Elected official" means:

144 (a) a person elected to an office under Section 20A-1-303;

145 (b) a person who is considered to be elected to a municipal office in accordance with

146 Subsection 20A-1-206(1)(c)(ii); or

147 (c) a person who is considered to be elected to a local district office in accordance with

148 Subsection 20A-1-206(3)(c)(ii).

149 (24) "Election" means a regular general election, a municipal general election, a  
150 statewide special election, a local special election, a regular primary election, a municipal  
151 primary election, and a local district election.

152 (25) "Election Assistance Commission" means the commission established by Public  
153 Law 107-252, the Help America Vote Act of 2002.

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

156 (27) "Election judge" means a poll worker that is assigned to:

157 (a) preside over other poll workers at a polling place;

158 (b) act as the presiding election judge; or

159 (c) serve as a canvassing judge, counting judge, or receiving judge.

160 (28) "Election officer" means:

161 (a) the lieutenant governor, for all statewide ballots and elections;

162 (b) the county clerk for:

163 (i) a county ballot and election; and

164 (ii) a ballot and election as a provider election officer as provided in Section

165 20A-5-400.1 or 20A-5-400.5;

166 (c) the municipal clerk for:

167 (i) a municipal ballot and election; and

168 (ii) a ballot and election as a provider election officer as provided in Section

169 20A-5-400.1 or 20A-5-400.5;

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

(i) a local district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section

20A-5-400.1 or 20A-5-400.5; or

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

(i) a school district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section

20A-5-400.1 or 20A-5-400.5.

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

(30) "Election results" means:

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

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

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

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

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

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

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

(35) "Inactive voter" means a registered voter who has:

(a) been sent the notice required by Section 20A-2-306; and

(b) failed to respond to that notice.

(36) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

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

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

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

(40) "Local district officers" means those local district officers that are required by law to be elected.

(41) "Local election" means a regular municipal election, a local special election, a local district election, and a bond election.

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

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

(44) "Municipal executive" means:

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

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

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

(46) "Municipal legislative body" means the council of the city or town in any form of municipal government.

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



226 (48) "Municipal officers" means those municipal officers that are required by law to be  
227 elected.

228 (49) "Municipal primary election" means an election held to nominate candidates for  
229 municipal office.

230 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
231 workers to be given to voters to record their votes.

232 (51) "Official endorsement" means:

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

234 (i) the ballot as an official ballot;

235 (ii) the date of the election; and

236 (iii) the facsimile signature of the election officer; and

237 (b) the information on the ballot stub that identifies:

238 (i) the poll worker's initials; and

239 (ii) the ballot number.

240 (52) "Official register" means the official record furnished to election officials by the  
241 election officer that contains the information required by Section [20A-5-401](#).

242 (53) "Paper ballot" means a paper that contains:

243 (a) the names of offices and candidates and statements of ballot propositions to be  
244 voted on; and

245 (b) spaces for the voter to record the voter's vote for each office and for or against each  
246 ballot proposition.

247 (54) "Political party" means an organization of registered voters that has qualified to  
248 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
249 and Procedures.

250 (55) (a) "Poll worker" means a person assigned by an election official to assist with an  
251 election, voting, or counting votes.

252 (b) "Poll worker" includes election judges.

253 (c) "Poll worker" does not include a watcher.

(56) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(57) "Polling place" means the building where voting is conducted.

(58) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

~~[(62)]~~ (59) "Primary convention" means the political party conventions ~~[at which nominees for]~~ held during the year of the regular ~~[primary]~~ general election ~~[are selected]~~.

~~[(63)]~~ (60) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

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

~~[(59)]~~ (61) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

~~[(60)]~~ (62) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

~~[(61)]~~ (63) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

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

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

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

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

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

(69) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and ~~[nonpolitical groups]~~ candidates for nonpartisan local school board positions to advance to the regular general election.

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

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

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

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

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

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

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

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

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

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

(79) "Ticket" means each list of candidates for each political party or for each group of petitioners.

(80) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

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

(82) "Valid voter identification" means:

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

(i) a currently valid Utah driver license;

(ii) a currently valid identification card that is issued by:

(A) the state; or

(B) a branch, department, or agency of the United States;

(iii) a currently valid Utah permit to carry a concealed weapon;

(iv) a currently valid United States passport; or

(v) a currently valid United States military identification card;

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

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

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

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

(ii) a bank or other financial account statement, or a legible copy thereof;

(iii) a certified birth certificate;

(iv) a valid Social Security card;

- 338 (v) a check issued by the state or the federal government or a legible copy thereof;
- 339 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 340 (vii) a currently valid Utah hunting or fishing license;
- 341 (viii) certified naturalization documentation;
- 342 (ix) a currently valid license issued by an authorized agency of the United States;
- 343 (x) a certified copy of court records showing the voter's adoption or name change;
- 344 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 345 (xii) a currently valid identification card issued by:
- 346 (A) a local government within the state;
- 347 (B) an employer for an employee; or
- 348 (C) a college, university, technical school, or professional school located within the
- 349 state; or
- 350 (xiii) a current Utah vehicle registration.
- 351 (83) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 352 candidate by following the procedures and requirements of this title.
- 353 (84) "Voter" means a person who:
- 354 (a) meets the requirements for voting in an election;
- 355 (b) meets the requirements of election registration;
- 356 (c) is registered to vote; and
- 357 (d) is listed in the official register book.
- 358 (85) "Voter registration deadline" means the registration deadline provided in Section
- 359 [20A-2-102.5](#).
- 360 (86) "Voting area" means the area within six feet of the voting booths, voting
- 361 machines, and ballot box.
- 362 (87) "Voting booth" means:
- 363 (a) the space or compartment within a polling place that is provided for the preparation
- 364 of ballots, including the voting machine enclosure or curtain; or
- 365 (b) a voting device that is free standing.

(88) "Voting device" means:

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

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

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

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

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

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

(90) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

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

(92) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

(93) "Western States Presidential Primary" means the election established in Chapter 9, Part 8, Western States Presidential Primary.

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

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

Section 2. Section 20A-1-103 is enacted to read:

**20A-1-103. Severability clause.**

If any provision of 2014 General Session S.B. 54 or the application of any provision of 2014 General Session S.B. 54 to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of 2014 General Session S.B. 54 shall be given effect without the invalid provision or application. The provisions of 2014 General

Session S.B. 54 are severable.

Section 3. Section **20A-1-501** is amended to read:

**20A-1-501. Candidate vacancies -- Procedure for filling.**

(1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if:

(a) for a registered political party that will have a candidate on a ballot in a primary election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor ~~[makes the certification]~~ provides the list described in Subsection ~~20A-9-403[(2)(c)]~~(4)(a):

(i) only one or two candidates from that party have filed a declaration of candidacy for that office; and

(ii) one or both:

(A) dies;

(B) resigns because of acquiring a physical or mental disability, certified by a physician, that prevents the candidate from continuing the candidacy; or

(C) is disqualified by an election officer for improper filing or nominating procedures;

(b) for a registered political party that does not have a candidate on the ballot in a primary, but that will have a candidate on the ballot for a general election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section ~~20A-5-409~~, the party's candidate:

(i) dies;

(ii) resigns because of acquiring a physical or mental disability as certified by a physician;

(iii) is disqualified by an election officer for improper filing or nominating procedures;

or

(iv) resigns to become a candidate for president or vice president of the United States;

or

(c) for a registered political party with a candidate certified as winning a primary election, after the deadline described in Subsection (1)(a) and continuing through the day before that day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate:

(i) dies;

(ii) resigns because of acquiring a physical or mental disability as certified by a physician;

(iii) is disqualified by an election officer for improper filing or nominating procedures;

or

(iv) resigns to become a candidate for president or vice president of the United States.

(2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.

(3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(4) (a) The name of a candidate who is certified under Subsection (1)(a) after the deadline described in Subsection (1)(a) may not appear on the primary election ballot.

(b) The name of a candidate who is certified under Subsection (1)(b) after the deadline described in Subsection (1)(b) may not appear on the general election ballot.

(c) The name of a candidate who is certified under Subsection (1)(c) after the deadline



described in Subsection (1)(c) may not appear on the general election ballot.

Section 4. Section **20A-5-101** is amended to read:

**20A-5-101. Notice of election.**

(1) On or before ~~[February 1 in]~~ November 15 in the year before each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

(a) designates the offices to be filled at the next year's regular general election;

(b) identifies the dates for filing a declaration of candidacy, and for submitting and certifying nomination petition signatures under Section 20A-9-403, for those offices;

(c) includes the master ballot position list for ~~[the current year and]~~ the next year and the year following as established under Section 20A-6-305; and

(d) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

(2) (a) No later than ~~[February 15]~~ November 15 in the year before the regular general election year, each county clerk shall:

(i) publish a notice:

(A) once in a newspaper published in that county; and

(B) as required in Section 45-1-101; or

(ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county; and

(B) prepare an affidavit of that posting, showing a copy of the notice and the places where the notice was posted.

(b) The notice required by Subsection (2)(a) shall:

(i) designate the offices to be voted on in that election in that county, other than local district offices; and

(ii) identify the dates for filing a declaration of candidacy for those offices.

(3) Before each election, the election officer shall give written or printed notice of:

(a) the date and place of election;

- (b) the hours during which the polls will be open;
- (c) the polling places for each voting precinct;
- (d) an election day voting center designated under Section 20A-3-703; and
- (e) the qualifications for persons to vote in the election.

(4) To provide the notice required by Subsection (3), the election officer shall publish the notice at least two days before the election:

(a) in a newspaper of general circulation common to the area or in which the election is being held; and

(b) as required in Section 45-1-101.

Section 5. 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;

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

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

(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

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

- 506 (i) "Official Ballot for \_\_\_\_ County, Utah";
- 507 (ii) the date of the election; and
- 508 (iii) a facsimile of the signature of the county clerk and the words "county clerk";
- 509 (d) each ticket is placed in a separate column on the ballot in the order specified under
- 510 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
- 511 column;
- 512 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
- 513 high;
- 514 (f) a circle one-half inch in diameter is printed immediately below the party name or
- 515 title, and the top of the circle is placed not less than two inches below the perforated line;
- 516 (g) unaffiliated candidates [~~and~~], candidates not affiliated with a registered political
- 517 party, and all other candidates for elective office who were not nominated by a registered
- 518 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are
- 519 listed in one column in the order specified under Section 20A-6-305, without a party circle,
- 520 with the following instructions printed at the head of the column: "All candidates not affiliated
- 521 with a political party are listed below. They are to be considered with all offices and
- 522 candidates listed to the left. Only one vote is allowed for each office.";
- 523 (h) the columns containing the lists of candidates, including the party name and device,
- 524 are separated by heavy parallel lines;
- 525 (i) the offices to be filled are plainly printed immediately above the names of the
- 526 candidates for those offices;
- 527 (j) the names of candidates are printed in capital letters, not less than one-eighth nor
- 528 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
- 529 lines or rules three-eighths of an inch apart;
- 530 (k) a square with sides measuring not less than one-fourth of an inch in length is
- 531 printed immediately adjacent to the name of each candidate;
- 532 (l) for the offices of president and vice president and governor and lieutenant governor,
- 533 one square with sides measuring not less than one-fourth of an inch in length is printed on the

534 same side as but opposite a double bracket enclosing the names of the two candidates;

535 (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a  
536 write-in column long enough to contain as many written names of candidates as there are  
537 persons to be elected with:

538 (i) for each office on the ballot, the office to be filled plainly printed immediately  
539 above:

540 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a  
541 square with sides measuring not less than one-fourth of an inch in length printed immediately  
542 adjacent to the blank horizontal line; or

543 (B) for the offices of president and vice president and governor and lieutenant  
544 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
545 valid write-in candidates, and one square with sides measuring not less than one-fourth of an  
546 inch in length printed on the same side as but opposite a double bracket enclosing the two  
547 blank horizontal lines; and

548 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
549 one-half inch circle;

550 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent  
551 to the write-in ticket with the word "NONPARTISAN" in reverse type in an 18 point solid rule  
552 running vertically the full length of the nonpartisan ballot copy; and

553 (o) constitutional amendments or other questions submitted to the vote of the people,  
554 are printed on the ballot after the list of candidates.

555 (2) Each election officer shall ensure that:

556 (a) each person nominated by any registered political party [~~or group of petitioners~~]  
557 under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on  
558 the ballot:

559 (i) under the [~~party~~] registered political party's name and emblem, if any; or

560 (ii) under the title of the registered political party [~~or group~~] as designated by them in  
561 their certificates of nomination or petition, or, if none is designated, then under some suitable

562 title;

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

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

567 (d) the ballots contain no other names.

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

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

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

573 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for  
574 which the voter may vote)" extend to the extreme right of the column;

575 (d) the nonpartisan candidates are grouped according to the office for which they are  
576 candidates;

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

579 (f) each group is preceded by the designation of the office for which the candidates  
580 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
581 candidates for which the voter may vote)," according to the number to be elected.

582 (4) Each election officer shall ensure that:

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

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

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

589 Section 6. Section 20A-6-302 is amended to read:

**20A-6-302. Paper ballots -- Placement of candidates' names.**

(1) Each election officer shall ensure, for paper ballots in regular general elections, that:

(a) each candidate is listed by party, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

(b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and

(c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.

(2) (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_ No \_\_\_\_."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.

(e) If no qualified person files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the

two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:

(i) requests the procedure set forth in Subsection (2)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

(3) (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes \_\_\_\_ No \_\_\_\_."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.

(e) If no qualified person files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

(f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking

election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:

- (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Section 7. Section **20A-6-303** is amended to read:

**20A-6-303. Regular general election -- Ballot sheets.**

(1) Each election officer shall ensure that:

- (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in approximately the same order as paper ballots;
- (b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;
- (c) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list of candidates:
  - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
  - (ii) any ballot propositions submitted to the voters for their approval or rejection;
- (d) (i) a voting square or position is included where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch; and
- (ii) the name of each political party listed in the straight party selection area includes the word "party" at the end of the party's name;
- (e) the tickets are printed in the order specified under Section [20A-6-305](#);
- (f) the office titles are printed immediately adjacent to the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;
- (g) the party designation of each candidate who has been nominated by a registered political party under Subsection [20A-9-202](#)(4) or Subsection [20A-9-403](#)(5) is printed immediately adjacent to the candidate's name; and



(h) (i) if possible, all candidates for one office are grouped in one column or upon one page;

(ii) if all candidates for one office cannot be listed in one column or grouped on one page:

(A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of candidates is continued on the following column or page; and

(B) approximately the same number of names shall be printed in each column or on each page.

(2) Each election officer shall ensure that:

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

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

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

Section 8. Section 20A-6-304 is amended to read:

**20A-6-304. Regular general election -- Electronic ballots.**

(1) Each election officer shall ensure that:

(a) the format and content of the electronic ballot is arranged in approximately the same order as paper ballots;

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

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

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

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

(d) (i) a voting square or position is included where the voter may record a straight party ticket vote for all the candidates of one party by making a single selection; and

(ii) the name of each political party listed in the straight party selection area includes

the word "party" at the end of the party's name;

(e) the tickets are displayed in the order specified under Section 20A-6-305;

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

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

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

(2) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;

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

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

Section 9. Section 20A-6-305 is amended to read:

**20A-6-305. Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions.**

(1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).

(2) The lieutenant governor shall:

(a) ~~[at the beginning of each general election year]~~ by November 15 in the year before each regular general election, conduct a random selection to establish the master ballot position list for the ~~[current year and the]~~ next year and the year following in accordance with procedures established under Subsection (2)(c);

(b) publish the master ballot position lists on the lieutenant governor's election website

on or before ~~[February 1 in]~~ November 15 in the year before each regular general election  
[year]; and

(c) establish written procedures for:

(i) the election official to use the master ballot position list; and

(ii) the lieutenant governor in:

(A) conducting the random selection in a fair manner; and

(B) providing a record of the random selection process used.

(3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.

(4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using:

(a) the candidate's surname;

(b) for candidates with a surname that has the same spelling, the candidate's given name;

(c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor; and

(d) if the ballot provides for a ticket or a straight party ticket, the registered political party name.

(5) This section does not apply to:

(a) an election for an office for which only one candidate is listed on the ballot; or

(b) a judicial retention election under Section [20A-12-201](#).

Section 10. Section **20A-9-101** is amended to read:

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

As used in this chapter:

(1) (a) "Candidates for elective office" means persons ~~[selected by a registered political party as party candidates]~~ who file a declaration of candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office, constitutional office, multicounty office, or

758 county office.

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

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

761 (ii) presidential elector;

762 (iii) any political party offices; and

763 (iv) municipal or local district offices.

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

766 (3) "Continuing political party" is as defined in Section [20A-8-101](#).

767 ~~[(3)]~~ (4) (a) "County office" means an elective office where the office holder is selected  
768 by voters entirely within one county.

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

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

771 (ii) the office of presidential elector;

772 (iii) any political party offices;

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

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

775 ~~[(4)]~~ (5) "Federal office" means an elective office for United States Senator and United  
776 States Representative.

777 ~~[(5)]~~ (6) "Filing officer" means:

778 (a) the lieutenant governor, for:

779 ~~[(i) offices whose political division contains territory in two or more counties;]~~

780 ~~[(ii)]~~ (i) the office of United States Senator and United States Representative; and

781 ~~[(iii)]~~ (ii) all constitutional offices;

782 (b) the county clerk, for county offices and local school district offices, and the county  
783 clerk in the filer's county of residence, for multicounty offices;

784 (c) the city or town clerk, for municipal offices; and

785 (d) the local district clerk, for local district offices.

786           ~~[(6)]~~ (7) "Local district office" means an elected office in a local district.

787           ~~[(7)]~~ (8) "Local government office" includes county offices, municipal offices, and  
788 local district offices and other elective offices selected by the voters from a political division  
789 entirely within one county.

790           ~~[(8)]~~ (9) (a) "Multicounty office" means an elective office where the office holder is  
791 selected by the voters from more than one county.

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

793           (i) a county office;

794           (ii) a federal office;

795           (iii) the office of justice or judge of any court of record or not of record;

796           (iv) the office of presidential elector;

797           (v) any political party offices; and

798           (vi) any municipal or local district offices.

799           ~~[(9)]~~ (10) "Municipal office" means an elective office in a municipality.

800           ~~[(10)]~~ (11) (a) "Political division" means a geographic unit from which an office holder  
801 is elected and that an office holder represents.

802           (b) "Political division" includes a county, a city, a town, a local district, a school  
803 district, a legislative district, and a county prosecution district.

804           (12) "Qualified political party" means a registered political party that:

805           (a) permits voters who are unaffiliated with any political party to vote for the registered  
806 political party's candidates in a primary election;

807           (b) (i) permits a delegate for the registered political party to vote on a candidate  
808 nomination in the registered political party's convention remotely; or

809           (ii) provides a procedure for designating an alternate delegate if a delegate is not  
810 present at the registered political party's convention;

811           (c) does not hold the registered political party's convention before April 1 of an  
812 even-numbered year;

813           (d) permits a member of the registered political party to seek the registered political

party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(e) no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Sections 20A-9-407 and 20A-9-408.

Section 11. Section 20A-9-201 is amended to read:

**20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.**

(1) Before filing a declaration of candidacy for election to any office, a person shall:

(a) be a United States citizen; ~~and~~

(b) meet the legal requirements of that office~~[-]~~; and

(c) if seeking a registered political party's nomination as a candidate for elective office, designate that registered political party as their preferred party affiliation on their declaration of candidacy.

(2) (a) Except as provided in Subsection (2)(b), a person may not:

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

(ii) appear on the ballot as the candidate of more than one political party.

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

(ii) A person may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.

(iii) A person may file a declaration of candidacy for lieutenant governor even if the person filed a declaration of candidacy for another office in the same election year if the person withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

(3) (a) (i) Except for presidential candidates, before the filing officer may accept any declaration of candidacy, the filing officer shall:

(A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(B) require the candidate to state whether or not the candidate meets those requirements.

(ii) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the person filing that declaration of candidacy is:

(A) a United States citizen;

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

(C) a registered voter in the county in which the person is seeking office; and

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

(iii) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the person filing that declaration of candidacy is:

(A) a United States citizen;

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

(C) a registered voter in the prosecution district in which the person is seeking office;  
and

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

(iv) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the person filing the declaration of candidacy:

(A) as of the date of filing:

(I) is a United States citizen;

(II) is a registered voter in the county in which the person seeks office;

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

(Bb) has met the waiver requirements in Section 53-6-206; and

(IV) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and

(B) as of the date of the election, shall have been a resident of the county in which the person seeks office for at least one year.

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

(A) that the person filing the declaration of candidacy also files the financial disclosure required by Section 20A-11-1603; and

(B) if the filing officer is not the lieutenant governor, that the financial disclosure is provided to the lieutenant governor according to the procedures and requirements of Section 20A-11-1603.

(b) If the prospective candidate states that the qualification requirements for the office



are not met, the filing officer may not accept the prospective candidate's declaration of candidacy.

(c) If the candidate meets the requirements of Subsection (3)(a) and states that the requirements of candidacy are met, the filing officer shall:

(i) inform the candidate that:

(A) the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(B) the candidate may be required to comply with state or local campaign finance disclosure laws; and

(C) the candidate is required to file a financial statement before the candidate's political convention under:

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

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

(III) local campaign finance disclosure laws, if applicable;

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

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

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

(A) signing the pledge is voluntary; and

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

(v) accept the candidate's declaration of candidacy; and

(vi) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the

candidate is a member.

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

(i) accept the candidate's pledge; and

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

(4) (a) Except for presidential candidates, the form of the declaration of candidacy shall be substantially as follows:

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

I, \_\_\_\_\_, declare my ~~[intention of becoming a candidate]~~ candidacy for the office of \_\_\_\_\_ ~~[as a candidate for]~~, seeking the nomination of the \_\_\_\_\_ party, which is my preferred political party affiliation. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is \_\_\_\_\_.

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

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

(b) An agent designated to file a declaration of candidacy under Section 20A-9-202 may not sign the form described in Subsection (4)(a).

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

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

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

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

958 (i) who is disqualified; or

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

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

962 (ii) The lieutenant governor shall:

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

965 (B) ensure that each county receives that proportion of the total amount paid to the  
966 lieutenant governor from the congressional district that the total vote of that county for all  
967 candidates for representative in Congress bears to the total vote of all counties within the  
968 congressional district for all candidates for representative in Congress.

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

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

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

977 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
978 considered an offense under this title for the purposes of assessing the penalties provided in  
979 Subsection 20A-1-609(2).

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

982 "Affidavit of Impecuniosity

983 Individual Name

984 \_\_\_\_\_ Address \_\_\_\_\_

985 Phone Number \_\_\_\_\_

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

989 Date \_\_\_\_\_ Signature \_\_\_\_\_

990 Affiant

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

992 \_\_\_\_\_  
993 (signature)

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

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

998 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
999 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
1000 penalties, will be removed from the ballot."

1001 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
1002 under this Subsection (5)(d) file a financial statement on a form prepared by the election  
1003 official.

1004 (6) (a) If there is no legislative appropriation for the Western States Presidential  
1005 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for  
1006 president of the United States who is affiliated with a registered political party and chooses to  
1007 participate in the regular primary election shall:

1008 (i) file a declaration of candidacy, in person or via a designated agent, with the  
1009 lieutenant governor:

- 1010 (A) on a form developed and provided by the lieutenant governor; and  
1011 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
1012 March before the next regular primary election;
- 1013 (ii) identify the registered political party whose nomination the candidate is seeking;  
1014 (iii) provide a letter from the registered political party certifying that the candidate may  
1015 participate as a candidate for that party in that party's presidential primary election; and  
1016 (iv) pay the filing fee of \$500.
- 1017 (b) An agent designated to file a declaration of candidacy may not sign the form  
1018 described in Subsection (6)(a)(i)(A).
- 1019 (7) Any person who fails to file a declaration of candidacy or certificate of nomination  
1020 within the time provided in this chapter is ineligible for nomination to office.
- 1021 (8) A declaration of candidacy filed under this section may not be amended or  
1022 modified after the final date established for filing a declaration of candidacy.
- 1023 Section 12. Section **20A-9-202** is amended to read:
- 1024 **20A-9-202. Declarations of candidacy for regular general elections.**
- 1025 (1) (a) Each person seeking to become a candidate for an elective office [~~for any county~~  
1026 ~~office~~] that is to be filled at the next regular general election shall:
- 1027 (i) file a declaration of candidacy in person with the [~~county clerk on or after the~~  
1028 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~  
1029 ~~regular general election~~] filing officer on or after January 1 of the regular general election year,  
1030 and before the candidate circulates nomination petitions under Section [20A-9-405](#); and
- 1031 (ii) pay the filing fee.
- 1032 [~~(b) Each person intending to become a candidate for any legislative office or~~  
1033 ~~multicounty office that is to be filled at the next regular general election shall:]~~
- 1034 [~~(i) file a declaration of candidacy in person with either the lieutenant governor or the~~  
1035 ~~county clerk in the candidate's county of residence on or after the second Friday in March and~~  
1036 ~~before 5 p.m. on the third Thursday in March before the next regular general election; and]~~
- 1037 [~~(ii) pay the filing fee.]~~

1038           ~~[(e)(i)]~~ (b) Each county clerk who receives a declaration of candidacy from a candidate  
1039 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
1040 candidacy to the lieutenant governor within one working day after it is filed.

1041           ~~[(ii)]~~ (c) Each day during the filing period, each county clerk shall notify the lieutenant  
1042 governor electronically or by telephone of ~~[legislative]~~ candidates who have filed in their  
1043 office.

1044           ~~[(d) Each person seeking to become a candidate for elective office for any federal~~  
1045 ~~office or constitutional office that is to be filled at the next regular general election shall]:~~

1046           ~~[(i) file a declaration of candidacy in person with the lieutenant governor on or after the~~  
1047 ~~second Friday in March and before 5 p.m. on the third Thursday in March before the next~~  
1048 ~~regular general election; and]~~

1049           ~~[(ii) pay the filing fee:]~~

1050           ~~[(e)]~~ (d) Each person seeking the office of lieutenant governor, the office of district  
1051 attorney, or the office of president or vice president of the United States shall comply with the  
1052 specific declaration of candidacy requirements established by this section.

1053           (2) (a) Each person intending to become a candidate for the office of district attorney  
1054 within a multicounty prosecution district that is to be filled at the next regular general election  
1055 shall:

1056           (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
1057 creating the prosecution district on or after ~~[the second Friday in March and before 5 p.m. on~~  
1058 ~~the third Thursday in March before the next regular general election]~~ January 1 of the regular  
1059 general election year, and before the candidate circulates nomination petitions under Section  
1060 20A-9-405; and

1061           (ii) pay the filing fee.

1062           (b) The designated clerk shall provide to the county clerk of each county in the  
1063 prosecution district a certified copy of each declaration of candidacy filed for the office of  
1064 district attorney.

1065           (3) (a) ~~[Within five working days of nomination]~~ On or before 5 p.m. on the first

1066 Monday after the third Saturday in April, each lieutenant governor candidate shall:

1067 (i) file a declaration of candidacy with the lieutenant governor; ~~[and]~~

1068 (ii) pay the filing fee~~[-]~~; and

1069 (iii) submit a letter from a candidate for governor who has received certification for the

1070 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate

1071 as a joint-ticket running mate.

1072 (b) ~~[(i)]~~ Any candidate for lieutenant governor who fails to timely file ~~[within five~~

1073 ~~working days]~~ is disqualified. ~~[(ii)]~~ If a lieutenant governor is disqualified, another candidate

1074 shall ~~[be nominated]~~ file to replace the disqualified candidate.

1075 (4) Each registered political party shall:

1076 (a) certify the names of its candidates for president and vice president of the United

1077 States to the lieutenant governor no later than August 31; or

1078 (b) provide written authorization for the lieutenant governor to accept the certification

1079 of candidates for president and vice president of the United States from the national office of

1080 the registered political party.

1081 (5) (a) A declaration of candidacy filed under this section is valid unless a written

1082 objection is filed with the clerk or lieutenant governor within five days after the last day for

1083 filing.

1084 (b) If an objection is made, the clerk or lieutenant governor shall:

1085 (i) mail or personally deliver notice of the objection to the affected candidate

1086 immediately; and

1087 (ii) decide any objection within 48 hours after it is filed.

1088 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the

1089 problem by amending the declaration or petition within three days after the objection is

1090 sustained or by filing a new declaration within three days after the objection is sustained.

1091 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1092 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable

1093 by a district court if prompt application is made to the court.

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

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

(7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement in this section to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

(a) the person is located outside the state during the filing period because:

(i) of employment with the state or the United States; or

(ii) the person is a member of:

(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(C) the National Guard on activated status;

(b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other; and

(c) the person provides the filing officer with an email address to which the filing officer may send the copies described in Subsection 20A-9-201(3).

Section 13. Section 20A-9-403 is amended to read:

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

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



Section 20A-9-601.

(b) Each registered political party that chooses to ~~[use the primary election process to nominate some or all]~~ have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate its candidates for elective office in the manner prescribed in this section.

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

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

(2) (a) ~~[As a condition for using the state's election system, each]~~ Each registered political party ~~[that wishes to participate in the primary election],~~ in a statement filed with the lieutenant governor, shall:

(i) either declare their intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of its candidates for elective office featured on the ballot at the next regular general election;

(ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and

~~[(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year.]~~

~~[(b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:]~~

~~[(i) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of~~

1150 each even-numbered year and indicate which of the candidates will be on the primary ballot;  
1151 and]

1152 [(ii) certify the name and office of each of its county candidates to the county clerks by  
1153 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and  
1154 indicate which of the candidates will be on the primary ballot.]

1155 [(c) By 5 p.m. on the first Wednesday after the third Saturday in April of each  
1156 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the  
1157 names of all statewide candidates, multicounty candidates, or single county candidates that  
1158 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in  
1159 accordance with Section 20A-6-305.]

1160 [(d) Except for presidential candidates, if a registered political party does not wish to  
1161 participate in the primary election, it shall submit the names of its county candidates to the  
1162 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May  
1163 30 of each even-numbered year.]

1164 (iii) if the registered political party participates in the upcoming regular primary  
1165 election, indicate whether it chooses to nominate unopposed candidates without their name  
1166 appearing on the ballot, as described under Subsection (5)(c).

1167 (b) A registered political party that is a continuing political party must file the  
1168 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
1169 November 15 of each odd-numbered year. An organization that is seeking to become a  
1170 registered political party under Section 20A-8-103 must file the statement described in  
1171 Subsection (2)(b) no later than 5 p.m. on February 15.

1172 (3) (a) Except as provided in Subsection (3)(e), a person who has submitted a  
1173 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
1174 office on the regular primary ballot of the registered political party listed on the declaration of  
1175 candidacy only if the person is certified by the appropriate filing officer as having submitted a  
1176 set of nomination petitions that was:

1177 (i) circulated and completed in accordance with Section 20A-9-405; and

1178 (ii) signed by at least two percent of the registered political party's members who reside  
1179 in the political division of the office that the person seeks.

1180 (b) A candidate for elective office shall submit nomination petitions to the appropriate  
1181 filing officer for verification and certification no later than 5 p.m. on the final day in March.  
1182 Candidates may supplement their submissions at any time on or before the filing deadline.

1183 (c) The lieutenant governor shall determine for each elective office the total number of  
1184 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number  
1185 of persons residing in each elective office's political division who have designated a particular  
1186 registered political party on their voter registration forms as of November 1 of each  
1187 odd-numbered year. The lieutenant governor shall publish this determination for each elective  
1188 office no later than November 15 of each odd-numbered year.

1189 (d) The filing officer shall:

1190 (i) verify signatures on nomination petitions in a transparent and orderly manner;

1191 (ii) for all qualifying candidates for elective office who submitted nomination petitions  
1192 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on  
1193 the first Monday after the third Saturday in April;

1194 (iii) consider active and inactive voters eligible to sign nomination petitions;

1195 (iv) consider a person who signs a nomination petition a member of a registered  
1196 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered  
1197 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.  
1198 on the final day in March; and

1199 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination  
1200 petition signatures, or use statistical sampling procedures to verify submitted nomination  
1201 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).

1202 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant  
1203 governor may appear on the regular primary ballot of a registered political party without  
1204 submitting nomination petitions if the candidate files a declaration of candidacy and complies  
1205 with Subsection [20A-9-202\(3\)](#).

(f) The lieutenant governor shall issue rules that provide for the use of statistical sampling procedures for filing officers to verify signatures under Subsection (3)(d). The statistical sampling procedures shall reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques. The lieutenant governor may also issue supplemental rules and guidance that provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

~~[(3)]~~ (g) The county clerk shall:

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

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

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

(4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:

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

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

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

~~[(4)]~~ (c) After the county clerk receives the certified list from ~~[a registered political party]~~ the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a

1234 primary election notice in substantially the following form:

1235 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
1236 \_\_\_\_ (year), to nominate party candidates for the parties and ~~[nonpartisan offices]~~  
1237 candidates for nonpartisan local school board positions listed on the primary ballot. The  
1238 polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open  
1239 until 8 p.m. of the same day. Attest: county clerk."

1240 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
1241 votes cast for each office at the regular primary election are nominated by their registered  
1242 political party ~~[or nonpartisan group]~~ for that office or are nominated as a candidate for a  
1243 nonpartisan local school board position.

1244 (b) If two or more candidates, other than presidential candidates, are to be elected to  
1245 the office at the regular general election, those party candidates equal in number to positions to  
1246 be filled who receive the highest number of votes at the regular primary election are the  
1247 nominees of their party for those positions.

1248 (c) A candidate who is unopposed for an elective office in the regular primary election  
1249 of a registered political party is nominated by the party for that office without appearing on the  
1250 primary ballot, provided that the party has chosen to nominate unopposed candidates under  
1251 Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has  
1252 received a certification under Subsection (3) for the regular primary election ballot of the  
1253 candidate's registered political party for a particular elective office.

1254 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
1255 office that represents more than one county, the governor, lieutenant governor, and attorney  
1256 general shall, at a public meeting called by the governor and in the presence of the candidates  
1257 involved, select the nominee by lot cast in whatever manner the governor determines.

1258 (b) When a tie vote occurs in any primary election for any county office, the district  
1259 court judges of the district in which the county is located shall, at a public meeting called by  
1260 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
1261 whatever manner the judges determine.

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

Section 14. Section **20A-9-405** is enacted to read:

**20A-9-405. Nomination petitions for regular primary elections.**

(1) This section shall apply to the form and circulation of nomination petitions for regular primary elections described in Subsection [20A-9-403\(3\)\(a\)](#).

(2) A candidate for elective office, and the agents of the candidate, may not circulate nomination petitions until the candidate has submitted a declaration of candidacy in accordance with Subsection [20A-9-202\(1\)](#).

(3) The nomination petitions shall be in substantially the following form:

(a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

(b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for purposes of binding;

(c) the petition shall be headed by a caption stating the purpose of the petition and the name of the proposed candidate;

(d) the petition shall feature the word "Warning" followed by the following statement in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before signatures are certified by a filing officer.";

(e) the petition shall feature 10 lines spaced one-half inch apart and consecutively numbered one through 10;

(f) the signature portion of the petition shall be divided into columns headed by the following titles:

(i) Registered Voter's Printed Name;

1290 (ii) Signature of Registered Voter;  
 1291 (iii) Party Affiliation of Registered Voter;  
 1292 (iv) Birth Date or Age (Optional);  
 1293 (v) Street Address, City, Zip Code; and  
 1294 (vi) Date of Signature; and  
 1295 (g) a photograph of the candidate may appear on the nomination petition.  
 1296 (4) If one or more nomination petitions are bound together, a page shall be bound to  
 1297 the nomination petition(s) that features the following printed verification statement to be signed  
 1298 and dated by the petition circulator:  
 1299 "Verification  
 1300 State of Utah, County of \_\_\_\_\_  
 1301 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state under that:  
 1302 I am a Utah resident and am at least 18 years old;  
 1303 All the names that appear on the signature sheets bound to this page were, to the best of  
 1304 my knowledge, signed by the persons who professed to be the persons whose names appear on  
 1305 the signature sheets, and each of them signed the person's name on the signature sheets in my  
 1306 presence;  
 1307 I believe that each has printed and signed the person's name and written the person's  
 1308 street address correctly, and that each signer is registered to vote in Utah or will register to vote  
 1309 in Utah before the county clerk certifies the signatures on the signature sheet."  
 1310 (5) The lieutenant governor shall prepare and make public model nomination petition  
 1311 forms and associated instructions.  
 1312 (6) A nomination petition circulator must be at least 18 years old and a resident of the  
 1313 state, but may affiliate with any political party.  
 1314 (7) It is unlawful for any person to:  
 1315 (a) knowingly sign the nomination petition sheet described in Subsection (3):  
 1316 (i) with any name other than the person's own name;  
 1317 (ii) more than once for the same candidate; or

1318 (iii) if the person is not registered to vote in this state and does not intend to become  
1319 registered to vote in this state prior to 5 p.m. on the final day in March;

1320 (b) sign the verification of a certificate of nomination signature sheet described in  
1321 Subsection (4) if the person:

1322 (i) does not meet the residency requirements of Section [20A-2-105](#);

1323 (ii) has not witnessed the signing by those persons whose names appear on the  
1324 certificate of nomination signature sheet; or

1325 (iii) knows that a person whose signature appears on the certificate of nomination  
1326 signature sheet is not registered to vote in this state and does not intend to become registered to  
1327 vote in this state;

1328 (c) pay compensation to any person to sign a nomination petition; or

1329 (d) pay compensation to any person to circulate a nomination petition, if the  
1330 compensation is based directly on the number of signatures submitted to a filing officer rather  
1331 than on the number of signatures verified or on some other basis.

1332 (8) Any person violating Subsection (7) is guilty of a class A misdemeanor.

1333 (9) Withdrawal of petition signatures shall not be permitted.

1334 Section 15. Section **20A-9-406** is enacted to read:

1335 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1336 The following provisions apply to a qualified political party:

1337 (1) the qualified political party shall certify to the lieutenant governor no later than 5  
1338 p.m. on March 1 of each even-numbered year:

1339 (a) the identity of one or more registered political parties whose members may vote for  
1340 the qualified political party's candidates; and

1341 (b) whether the qualified political party chooses to nominate unopposed candidates  
1342 without the names of the candidates appearing on the ballot, as described in Subsection  
1343 [20A-9-403\(5\)\(c\)](#);

1344 (2) the provisions of Subsections [20A-9-403\(1\)](#) through (4)(a), Subsection  
1345 [20A-9-403\(5\)\(c\)](#), and Section [20A-9-405](#) do not apply to a nomination for the qualified



political party;

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

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

(5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer shall ensure that a ballot described in Section 20A-6-301 includes each person nominated by a qualified political party under Section 20A-9-407 or 20A-9-408:

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

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

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

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

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

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

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

(11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled

to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;

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

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

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

(13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot, provided that the party has chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii); and

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

Section 16. Section 20A-9-407 is enacted to read:

**20A-9-407. Convention nomination process for qualified political party.**

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

(2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as follows:

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

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_\_

1402 \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications  
1403 to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in  
1404 the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
1405 any law governing campaigns and elections; I will file all campaign financial disclosure reports  
1406 as required by law; and I understand that failure to do so will result in my disqualification as a  
1407 candidate for this office and removal of my name from the ballot. The mailing address that I  
1408 designate for receiving official election notices is

1409 \_\_\_\_\_  
1410 \_\_\_\_\_.

1411 Subscribed and sworn before me this \_\_\_\_\_ (month\day\year). Notary Public (or  
1412 other officer qualified to administer oath)."

1413 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
1414 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
1415 nomination of the qualified political party for an elective office that is to be filled at the next  
1416 general election, shall:

1417 (a) file a declaration of candidacy in person with the filing officer on or after the  
1418 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
1419 regular general election; and

1420 (b) pay the filing fee.

1421 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
1422 party who, under this section, is seeking the nomination of the qualified political party for the  
1423 office of district attorney within a multicounty prosecution district that is to be filled at the next  
1424 general election shall:

1425 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
1426 agreement creating the prosecution district on or after the second Friday in March and before 5  
1427 p.m. on the third Thursday in March before the next regular general election; and

1428 (b) pay the filing fee.

1429 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate

who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

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

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

Section 17. Section 20A-9-408 is enacted to read:

**20A-9-408. Signature-gathering nomination process for qualified political party.**

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

(2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as follows:

"State of Utah, County of \_\_\_\_\_  
I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_\_ as a candidate for the \_\_\_\_\_ party. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ (month\day\year). Notary Public (or other officer qualified to administer oath)."

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

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

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

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

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

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

(v) other information required by the lieutenant governor;

(b) file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(c) pay the filing fee.

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

(a) on or after January 1 before the next regular general election, and before gathering

1486 signatures under this section, file with the filing officer on a form approved by the lieutenant  
1487 governor a notice of intent to gather signatures for candidacy that includes:

1488 (i) the name of the member who will attempt to become a candidate for a registered  
1489 political party under this section;

1490 (ii) the name of the registered political party for which the member is seeking  
1491 nomination;

1492 (iii) the office for which the member is seeking to become a candidate;

1493 (iv) the address and telephone number of the member; and

1494 (v) other information required by the lieutenant governor;

1495 (b) file a declaration of candidacy, in person, with the filing officer on or after the  
1496 second Friday in March and before 5 p.m. on the third Thursday in March before the next  
1497 regular general election; and

1498 (c) pay the filing fee.

1499 (5) Notwithstanding Subsection [20A-9-202\(3\)\(a\)\(iii\)](#), a lieutenant governor candidate  
1500 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
1501 political party, under this section, for the office of governor shall submit a letter from the  
1502 candidate for governor that names the lieutenant governor candidate as a joint-ticket running  
1503 mate.

1504 (6) The lieutenant governor shall ensure that the certification described in Subsection  
1505 [20A-9-701](#)(1) also includes the name of each candidate nominated by a qualified political party  
1506 under this section.

1507 (7) Notwithstanding Subsection [20A-9-701](#)(2), the ballot shall, for each candidate who  
1508 is nominated by a qualified political party under this section, designate the qualified political  
1509 party that nominated the candidate.

1510 (8) A member of a qualified political party may seek the nomination of the qualified  
1511 political party for an elective office by:

1512 (a) complying with the requirements described in this section; and

1513 (b) collecting signatures, on a form approved by the lieutenant governor's office, during

1514 the period beginning on January 1 of an even-numbered year and ending 14 days before the day  
1515 on which the qualified political party's convention for the office is held, in the following  
1516 amounts:

1517 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
1518 permitted by the qualified political party to vote for the qualified political party's candidates in  
1519 a primary election;

1520 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
1521 residents of the congressional district and are permitted by the qualified political party to vote  
1522 for the qualified political party's candidates in a primary election;

1523 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
1524 residents of the state Senate district and are permitted by the qualified political party to vote for  
1525 the qualified political party's candidates in a primary election;

1526 (iv) for a state House district race, 1,000 signatures of registered voters who are  
1527 residents of the state House district and are permitted by the qualified political party to vote for  
1528 the qualified political party's candidates in a primary election; and

1529 (v) for a county office race, signatures of 3% of the registered voters who are residents  
1530 of the area permitted to vote for the county office and are permitted by the qualified political  
1531 party to vote for the qualified political party's candidates in a primary election.

1532 (9) (a) In order for a member of the qualified political party to qualify as a candidate  
1533 for the qualified political party's nomination for an elective office under this section, the  
1534 member shall:

1535 (i) collect the signatures on a form approved by the lieutenant governor's office, using  
1536 the same circulation and verification requirements described in Sections [20A-7-304](#) and  
1537 [20A-7-305](#); and

1538 (ii) submit the signatures to the election officer no later than 14 days before the day on  
1539 which the qualified political party holds its convention to select candidates, for the elective  
1540 office, for the qualified political party's nomination.

1541 (b) An individual may not gather signatures under this section until after the individual

files a notice of intent to gather signatures for candidacy described in this section.

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

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

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

(d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

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

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

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

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

(v) notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

(e) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor



1570 posts a declaration of candidacy.

1571 Section 18. Section **20A-9-409** is enacted to read:

1572 **20A-9-409. Primary election provisions relating to qualified political party.**

1573 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular  
1574 primary election day.

1575 (2) A qualified political party that nominates one or more candidates for an elective  
1576 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that  
1577 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election  
1578 for that office.

1579 (3) A qualified political party that has only one candidate qualify as a candidate for an  
1580 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office  
1581 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for  
1582 that office.

1583 (4) A qualified political party that nominates one or more candidates for an elective  
1584 office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that  
1585 office under Section [20A-9-408](#) shall participate in the primary election for that office.

1586 (5) A qualified political party that has two or more candidates qualify as candidates for  
1587 an elective office under Section [20A-9-408](#) and does not nominate a candidate for that office  
1588 under Section [20A-9-407](#) shall participate in the primary election for that office.

1589 Section 19. Section **20A-9-410** is enacted to read:

1590 **20A-9-410. Rulemaking authority.**

1591 The director of elections, within the Office of the Lieutenant Governor, shall make  
1592 rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative  
1593 Rulemaking Act, relating to procedures for complying with, and verifying compliance with, the  
1594 candidate nominating process described in this part.

1595 Section 20. Section **20A-9-701** is amended to read:

1596 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1597 (1) No later than August 31 of each regular general election year, the lieutenant

1598 governor shall certify to each county clerk the names of each candidate~~[-including candidates~~  
1599 ~~for president and vice president, certified by each registered political party as that party's~~  
1600 ~~nominees]~~ nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) for offices  
1601 to be voted upon at the regular general election in that county clerk's county.

1602 (2) The names shall be certified by the lieutenant governor and shall be displayed on  
1603 the ballot as they are provided on the candidate's declaration of candidacy. No other names  
1604 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered  
1605 political party, political party, or other political group.

1606 Section 21. **Effective date.**

1607 This bill takes effect on January 1, 2015.