

- 28 **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52
- 29 **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352
- 30 **20A-1-501**, as last amended by Laws of Utah 2016, Chapter 16
- 31 **20A-3-106**, as last amended by Laws of Utah 2015, Chapter 296
- 32 **20A-5-101**, as last amended by Laws of Utah 2017, Chapters 251, 267 and last
- 33 amended by Coordination Clause, Laws of Utah 2017, Chapter 267
- 34 **20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66
- 35 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 36 **20A-6-303**, as last amended by Laws of Utah 2016, Chapter 66
- 37 **20A-6-304**, as last amended by Laws of Utah 2016, Chapter 66
- 38 **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91
- 39 **20A-9-101**, as last amended by Laws of Utah 2016, Chapter 16
- 40 **20A-9-201**, as last amended by Laws of Utah 2017, Chapter 63
- 41 **20A-9-202**, as last amended by Laws of Utah 2017, Chapter 63
- 42 **20A-9-203**, as last amended by Laws of Utah 2017, Chapter 91
- 43 **20A-9-403**, as last amended by Laws of Utah 2017, Chapter 91
- 44 **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91
- 45 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296

46 REPEALS:

- 47 **20A-1-103**, as last amended by Laws of Utah 2015, Chapter 258
- 48 **20A-9-405**, as enacted by Laws of Utah 2014, Chapter 17
- 49 **20A-9-406**, as last amended by Laws of Utah 2017, Chapter 91
- 50 **20A-9-407**, as last amended by Laws of Utah 2017, Chapter 91
- 51 **20A-9-408**, as last amended by Laws of Utah 2017, Chapter 91
- 52 **20A-9-408.5**, as enacted by Laws of Utah 2015, Chapter 296
- 53 **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91
- 54 **20A-9-410**, as enacted by Laws of Utah 2014, Chapter 17
- 55 **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296

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

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

59 **20A-1-102. Definitions.**

60 As used in this title:

61 (1) "Active voter" means a registered voter who has not been classified as an inactive
62 voter by the county clerk.63 (2) "Automatic tabulating equipment" means apparatus that automatically examines
64 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.65 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
66 upon which a voter records the voter's votes.67 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
68 envelopes.

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

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

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

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

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

76 (b) a constitutional amendment;

77 (c) an initiative;

78 (d) a referendum;

79 (e) a bond proposition;

80 (f) a judicial retention question;

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

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

83 (6) "Ballot sheet":

84 (a) means a ballot that:

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

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

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

88 (7) "Bind," "binding," or "bound" means securing more than one piece of paper

89 together with a staple or stitch in at least three places across the top of the paper in the blank

90 space reserved for securing the paper.

91 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
92 [20A-4-306](#) to canvass election returns.

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

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

97 (11) "Business reply mail envelope" means an envelope that may be mailed free of
98 charge by the sender.

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

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

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

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

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

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

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

113 (19) "Counting poll watcher" means a person selected as provided in Section
114 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

123 (b) does not include:

124 (i) deadlines established for absentee voting; or

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

127 (23) "Elected official" means:

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

129 (b) a person who is considered to be elected to a municipal office in accordance with
130 Subsection 20A-1-206(1)(c)(ii); or

131 (c) a person who is considered to be elected to a local district office in accordance with
132 Subsection 20A-1-206(3)(c)(ii).

133 (24) "Election" means a regular general election, a municipal general election, a
134 statewide special election, a local special election, a regular primary election, a municipal
135 primary election, and a local district election.

136 (25) "Election Assistance Commission" means the commission established by the Help
137 America Vote Act of 2002, Pub. L. No. 107-252.

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

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

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

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

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

144 (28) "Election officer" means:

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

146 (b) the county clerk for:

147 (i) a county ballot and election; and

148 (ii) a ballot and election as a provider election officer as provided in Section
149 20A-5-400.1 or 20A-5-400.5;

150 (c) the municipal clerk for:

151 (i) a municipal ballot and election; and

- 152 (ii) a ballot and election as a provider election officer as provided in Section
- 153 [20A-5-400.1](#) or [20A-5-400.5](#);
- 154 (d) the local district clerk or chief executive officer for:
- 155 (i) a local district ballot and election; and
- 156 (ii) a ballot and election as a provider election officer as provided in Section
- 157 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 158 (e) the business administrator or superintendent of a school district for:
- 159 (i) a school district ballot and election; and
- 160 (ii) a ballot and election as a provider election officer as provided in Section
- 161 [20A-5-400.1](#) or [20A-5-400.5](#).
- 162 (29) "Election official" means any election officer, election judge, or poll worker.
- 163 (30) "Election results" means:
- 164 (a) for an election other than a bond election, the count of votes cast in the election and
- 165 the election returns requested by the board of canvassers; or
- 166 (b) for bond elections, the count of those votes cast for and against the bond
- 167 proposition plus any or all of the election returns that the board of canvassers may request.
- 168 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 169 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 170 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 171 form, and the total votes cast form.
- 172 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 173 device or other voting device that records and stores ballot information by electronic means.
- 174 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 175 or logically associated with a record and executed or adopted by a person with the intent to sign
- 176 the record.
- 177 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 178 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 179 (35) "Inactive voter" means a registered voter who is listed as inactive by a county
- 180 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
- 181 (36) "Inspecting poll watcher" means a person selected as provided in this title to
- 182 witness the receipt and safe deposit of voted and counted ballots.

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

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

186 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
187 Local Government Entities - Local Districts, and includes a special service district under Title
188 17D, Chapter 1, Special Service District Act.

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

191 (41) "Local election" means a regular county election, a regular municipal election, a
192 municipal primary election, a local special election, a local district election, and a bond
193 election.

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

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

199 (44) "Municipal executive" means:

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

201 (b) the mayor in the council-manager form of government defined in Subsection
202 10-3b-103(7); or

203 (c) the chair of a metro township form of government defined in Section 10-3b-102.

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

207 (46) "Municipal legislative body" means:

208 (a) the council of the city or town in any form of municipal government; or

209 (b) the council of a metro township.

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

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

213 (49) "Municipal primary election" means an election held to nominate candidates for

214 municipal office.

215 (50) "Municipality" means a city, town, or metro township.

216 (51) "Official ballot" means the ballots distributed by the election officer to the poll
217 workers to be given to voters to record their votes.

218 (52) "Official endorsement" means:

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

220 (i) the ballot as an official ballot;

221 (ii) the date of the election; and

222 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
223 facsimile signature required by Subsection [20A-6-401\(1\)\(b\)\(iii\)](#); or

224 (B) for a ballot prepared by a county clerk, the words required by Subsection
225 [20A-6-301\(1\)\(c\)\(iii\)](#); and

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

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

228 (ii) the ballot number.

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

231 (54) "Paper ballot" means a paper that contains:

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

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

236 (55) "Political party" means an organization of registered voters that has qualified to
237 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
238 and Procedures.

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

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

242 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
243 election, voting, or counting votes.

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

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

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

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

250 (61) "Protective counter" means a separate counter, which cannot be reset, that:

251 (a) is built into a voting machine; and

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

253 (62) "Provider election officer" means an election officer who enters into a contract or
254 interlocal agreement with a contracting election officer to conduct an election for the
255 contracting election officer's local political subdivision in accordance with Section
256 [20A-5-400.1](#).

257 (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

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

269 (67) "Registration form" means a book voter registration form and a by-mail voter
270 registration form.

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

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

275 (70) "Regular primary election" means the election on the fourth Tuesday of June of

276 each even-numbered year, to nominate candidates of political parties and [~~candidates for~~
277 ~~nonpartisan local school board positions~~] nonpolitical groups to advance to the regular general
278 election.

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

280 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed
281 and distributed as provided in Section [20A-5-405](#).

282 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or
283 punch the ballot for one or more candidates who are members of different political parties [~~or~~
284 ~~who are unaffiliated~~].

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

288 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

289 (76) "Spoiled ballot" means each ballot that:

290 (a) is spoiled by the voter;

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

292 (c) lacks the official endorsement.

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

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

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

298 (80) "Ticket" means a list of:

299 (a) political parties;

300 (b) candidates for an office; or

301 (c) ballot propositions.

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

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

- 307 (83) "Valid voter identification" means:
- 308 (a) a form of identification that bears the name and photograph of the voter which may
- 309 include:
- 310 (i) a currently valid Utah driver license;
- 311 (ii) a currently valid identification card that is issued by:
- 312 (A) the state; or
- 313 (B) a branch, department, or agency of the United States;
- 314 (iii) a currently valid Utah permit to carry a concealed weapon;
- 315 (iv) a currently valid United States passport; or
- 316 (v) a currently valid United States military identification card;
- 317 (b) one of the following identification cards, whether or not the card includes a
- 318 photograph of the voter:
- 319 (i) a valid tribal identification card;
- 320 (ii) a Bureau of Indian Affairs card; or
- 321 (iii) a tribal treaty card; or
- 322 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
- 323 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 324 may include:
- 325 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 326 election;
- 327 (ii) a bank or other financial account statement, or a legible copy thereof;
- 328 (iii) a certified birth certificate;
- 329 (iv) a valid social security card;
- 330 (v) a check issued by the state or the federal government or a legible copy thereof;
- 331 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 332 (vii) a currently valid Utah hunting or fishing license;
- 333 (viii) certified naturalization documentation;
- 334 (ix) a currently valid license issued by an authorized agency of the United States;
- 335 (x) a certified copy of court records showing the voter's adoption or name change;
- 336 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 337 (xii) a currently valid identification card issued by:

- 338 (A) a local government within the state;
- 339 (B) an employer for an employee; or
- 340 (C) a college, university, technical school, or professional school located within the
- 341 state; or
- 342 (xiii) a current Utah vehicle registration.
- 343 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 344 candidate by following the procedures and requirements of this title.
- 345 (85) "Voter" means a person who:
- 346 (a) meets the requirements for voting in an election;
- 347 (b) meets the requirements of election registration;
- 348 (c) is registered to vote; and
- 349 (d) is listed in the official register book.
- 350 (86) "Voter registration deadline" means the registration deadline provided in Section
- 351 [20A-2-102.5](#).
- 352 (87) "Voting area" means the area within six feet of the voting booths, voting
- 353 machines, and ballot box.
- 354 (88) "Voting booth" means:
- 355 (a) the space or compartment within a polling place that is provided for the preparation
- 356 of ballots, including the voting machine enclosure or curtain; or
- 357 (b) a voting device that is free standing.
- 358 (89) "Voting device" means:
- 359 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 360 piercing the ballots by the voter;
- 361 (b) a device for marking the ballots with ink or another substance;
- 362 (c) an electronic voting device or other device used to make selections and cast a ballot
- 363 electronically, or any component thereof;
- 364 (d) an automated voting system under Section [20A-5-302](#); or
- 365 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 366 by means of automatic tabulating equipment.
- 367 (90) "Voting machine" means a machine designed for the sole purpose of recording
- 368 and tabulating votes cast by voters at an election.

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

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

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

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

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

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

380 Section 2. Section **20A-1-201.5** is amended to read:

381 **20A-1-201.5. Primary election dates.**

382 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
383 of June of each [~~even-numbered~~] even-numbered year, as provided in Section [20A-9-403](#),
384 [~~20A-9-407, or 20A-9-408, as applicable,~~] to nominate persons for:

385 (a) national, state, school board, and county offices; and

386 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

387 (2) A municipal primary election shall be held, if necessary, on the second Tuesday
388 following the first Monday in August before the regular municipal election to nominate persons
389 for municipal offices.

390 (3) If the Legislature makes an appropriation for a Western States Presidential Primary
391 election, the Western States Presidential Primary election shall be held throughout the state on
392 the first Tuesday in February in the year in which a presidential election will be held.

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

394 **20A-1-501. Candidate vacancies -- Procedure for filling.**

395 (1) The state central committee of a political party, for candidates for United States
396 senator, United States representative, governor, lieutenant governor, attorney general, state
397 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
398 more than one county, and the county central committee of a political party, for all other party
399 candidates seeking an office elected at a regular general election, may certify the name of

400 another candidate to the appropriate election officer if:

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

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

407 (ii) one or both:

408 (A) dies;

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

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

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

417 (i) dies;

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

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

421 or

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

423 or

424 (c) for a registered political party with a candidate certified as winning a primary
425 election, after the deadline described in Subsection (1)(a) and continuing through the day
426 before that day on which the lieutenant governor makes the certification described in Section
427 [20A-5-409](#), the party's candidate:

428 (i) dies;

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

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

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

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

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

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

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

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

449 (5) A political party may not replace a candidate who is disqualified for failure to
450 timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and
451 Financial Reporting Requirements, or Section 17-16-6.5.

452 Section 4. Section 20A-3-106 is amended to read:

453 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**
454 **of unnecessary marking of cross.**

455 (1) When voting a paper ballot, any voter desiring to vote for all the candidates [~~who~~
456 ~~are listed on the ballot as being~~] from any one registered political party may:

457 (a) mark in the circle or position above that political party;

458 (b) mark in the squares or position opposite the names of all candidates for that party
459 ticket; or

460 (c) make both markings.

461 (2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates

462 ~~[who are listed on the ballot as being]~~ from any one registered political party may:

463 (i) mark the selected party on the straight party page or section; or

464 (ii) mark the name of each candidate from that party.

465 (b) To vote for candidates from two or more political parties, the voter may:

466 (i) mark in the squares or positions opposite the names of the candidates for whom the
467 voter wishes to vote without marking in any circle; or

468 (ii) indicate the voter's choice by:

469 (A) marking in the circle or position above one political party; and

470 (B) marking in the squares or positions opposite the names of desired candidates ~~[who~~
471 ~~are members of any party, are unaffiliated, or are listed without party name]~~.

472 (3) (a) When voting an electronic ballot, any voter desiring to vote for all the
473 candidates ~~[who are listed on the ballot as being]~~ from any one registered political party may:

474 (i) select that party on the straight party selection area; or

475 (ii) select the name of each candidate from that party.

476 (b) To vote for candidates from two or more political parties, the voter may:

477 (i) select the names of the candidates for whom the voter wishes to vote without
478 selecting a political party in the straight party selection area; or

479 (ii) (A) select a political party in the straight party selection area; and

480 (B) select the names of the candidates for whom the voter wishes to vote ~~[who are~~
481 ~~members of any party, are unaffiliated, or are listed without party name]~~.

482 (4) In any election other than a primary election, if a voter voting a ballot has selected
483 or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote
484 for a person on another party ticket for an office, ~~[or for an unaffiliated candidate,]~~ the voter
485 shall select or mark the ballot next to the name of the candidate for whom the voter wishes to
486 vote.

487 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:

488 (i) by entering the name of a valid write-in candidate:

489 (A) by writing the name of a valid write-in candidate in the blank write-in section of
490 the ballot; or

491 (B) by affixing a sticker with the office and name of the valid write-in name printed on
492 it in the blank write-in part of the ballot; and

493 (ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's
494 vote.

495 (b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person
496 whose name is written or whose sticker appears in the blank write-in part of the ballot, if a
497 mark is made opposite that name.

498 (c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on
499 the ticket below the marked circle does not affect the validity of the vote.

500 (6) The voter may cast a write-in vote on an electronic ballot by:

501 (a) marking the appropriate position opposite the area for entering a write-in candidate
502 for the office sought by the candidate for whom the voter wishes to vote; and

503 (b) entering the name of a valid write-in candidate in the write-in selection area.

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

505 **20A-5-101. Notice of election.**

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

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

510 (b) identifies the dates for filing a declaration of candidacy[, ~~and for submitting and~~
511 ~~certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407,~~
512 ~~and 20A-9-408~~] for those offices;

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

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

517 (2) (a) No later than [~~seven business days after the day on which the lieutenant~~
518 ~~governor transmits the written notice described in Subsection (1)~~] February 15, each county
519 clerk shall:

520 (i) publish a notice:

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

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

523 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to

524 give notice of the election to the voters in each voting precinct within the county; and

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

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

528 (i) designate the offices to be voted on in that election; and

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

530 (3) Before each election, the election officer shall give printed notice of the following
531 information, or printed notice of a website where the following information can be obtained:

532 (a) the date of election;

533 (b) the hours during which the polls will be open;

534 (c) the polling places for each voting precinct, early voting polling place, and election
535 day voting center;

536 (d) the address of the Statewide Electronic Voter Information Website and, if available,
537 the address of the election officer's website, with a statement indicating that the election officer
538 will post on the website any changes to the location of a polling place and the location of any
539 additional polling place;

540 (e) a phone number that a voter may call to obtain information regarding the location of
541 a polling place; and

542 (f) the qualifications for persons to vote in the election.

543 (4) To provide the printed notice described in Subsection (3), the election officer shall:

544 (a) publish the notice at least two days before election day:

545 (i) in a newspaper of general circulation common to the area to which the election
546 pertains; and

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

548 (b) mail the notice to each registered voter who resides in the area to which the election
549 pertains at least five days before election day.

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

551 **20A-6-301. Paper ballots -- Regular general election.**

552 (1) Each election officer shall ensure that:

553 (a) all paper ballots furnished for use at the regular general election contain[~~:(†)~~] no
554 captions or other endorsements except as provided in this section;

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

558 ~~[(iii) no indication that a candidate for elective office has been nominated by, or has~~
559 ~~been endorsed by, or is in any way affiliated with a political party or group, unless the~~
560 ~~candidate has been nominated by a registered political party in accordance with Subsection~~
561 ~~20A-9-202(4) or Subsection 20A-9-403(5).]~~

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

564 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
565 stub; and

566 (iii) ballot stubs are numbered consecutively;

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

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

570 (ii) the date of the election; and

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

573 (d) the party name or title is printed in capital letters not less than one-fourth of an inch
574 high;

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

582 (f) each ticket containing the lists of candidates, including the party name and device,
583 are separated by heavy parallel lines;

584 (g) the offices to be filled are plainly printed immediately above the names of the
585 candidates for those offices;

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

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

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

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

597 (2) Each election officer shall ensure that:

598 (a) each person nominated by any registered political party [~~under Subsection~~
599 ~~20A-9-202(4) or Subsection 20A-9-403(5), and no other person;~~] or group of petitioners is
600 placed on the ballot:

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

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

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

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

609 (d) the ballots contain no other names.

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

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

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

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

617 (d) the nonpartisan candidates are grouped according to the office for which they are
618 candidates;

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

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

624 (4) Each election officer shall ensure that:

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

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

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

631 Section 7. Section 20A-6-302 is amended to read:

632 **20A-6-302. Paper ballots -- Placement of candidates' names.**

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

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

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

639 (c) the names of candidates are placed on the ballot in the order specified under Section
640 20A-6-305.

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

647 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is

648 elected to the office of county attorney.

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

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

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

658 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
659 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
660 two consecutive terms immediately preceding the term for which the candidate is seeking
661 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
662 unopposed candidate the same as any other unopposed candidate for another office, unless a
663 petition is filed with the county clerk before the date of that year's primary election that:

664 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
665 (ii) contains the signatures of registered voters in the county representing in number at
666 least 25% of all votes cast in the county for all candidates for governor at the last election at
667 which a governor was elected.

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

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

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

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

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

685 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
 686 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
 687 two consecutive terms immediately preceding the term for which the candidate is seeking
 688 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an
 689 unopposed candidate the same as any other unopposed candidate for another office, unless a
 690 petition is filed with the county clerk before the date of that year's primary election that:

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

695 Section 8. Section 20A-6-303 is amended to read:

696 **20A-6-303. Regular general election -- Ballot sheets.**

697 (1) Each election officer shall ensure that:

698 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in
 699 approximately the same order as paper ballots;

700 (b) the ballot sheet or any pages used for the ballot label are of sufficient number to
 701 include, after the list of candidates:

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

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

704 (c) the office titles are printed immediately adjacent to the names of candidates so as to
 705 indicate clearly the candidates for each office and the number to be elected;

706 (d) the party designation of each candidate [~~who has been nominated by a registered~~
 707 ~~political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5)] is printed
 708 immediately adjacent to the candidate's name; and~~

709 (e) (i) if possible, all candidates for one office are grouped in one column or upon one

710 page;

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

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

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

717 (2) Each election officer shall ensure that:

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

720 (b) ballot propositions submitted to the voters are listed in accordance with Section
721 [20A-6-107](#); and

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

724 Section 9. Section **20A-6-304** is amended to read:

725 **20A-6-304. Regular general election -- Electronic ballots.**

726 (1) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

741 (2) Each election officer shall ensure that:

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

744 (b) ballot propositions submitted to the voters are displayed in accordance with Section
745 [20A-6-107](#); and

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

748 Section 10. Section **20A-8-103** is amended to read:

749 **20A-8-103. Petition procedures -- Criminal penalty.**

750 (1) As used in this section, the proposed name or emblem of a registered political party
751 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
752 difference between the proposed name or emblem and any name or emblem currently being
753 used by another registered political party.

754 (2) To become a registered political party, an organization of registered voters that is
755 not a continuing political party shall:

756 (a) circulate a petition seeking registered political party status beginning no earlier than
757 the date of the statewide canvass held after the last regular general election and ending no later
758 than [~~November 30~~] February 15 of the year [~~before the year~~] in which the next regular general
759 election will be held;

760 (b) file a petition with the lieutenant governor that is signed, with a holographic
761 signature, by at least 2,000 registered voters on or before [~~November 30~~] February 15 of the
762 year in which a regular general election will be held; and

763 (c) file, with the petition described in Subsection (2)(b), a document certifying:

764 (i) the identity of one or more registered political parties whose members may vote for
765 the organization's candidates; and

766 (ii) whether unaffiliated voters may vote for the organization's candidates[~~; and~~].

767 [~~(iii) whether, for the next election, the organization intends to nominate the~~
768 ~~organization's candidates in accordance with the provisions of Section [20A-9-406](#).]~~

769 (3) The petition shall:

770 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

771 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line

772 blank for the purpose of binding;

773 (c) contain the name of the political party and the words "Political Party Registration
774 Petition" printed directly below the horizontal line;

775 (d) contain the word "Warning" printed directly under the words described in
776 Subsection (3)(c);

777 (e) contain, to the right of the word "Warning," the following statement printed in not
778 less than eight-point, single leaded type:

779 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
780 petition signature sheet with any name other than the individual's own name or more than once
781 for the same party or if the individual is not registered to vote in this state and does not intend
782 to become registered to vote in this state before the petition is submitted to the lieutenant
783 governor.";

784 (f) contain the following statement directly under the statement described in Subsection
785 (3)(e):

786 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
787 Lieutenant Governor:

788 We, the undersigned citizens of Utah, seek registered political party status for _____
789 (name);

790 Each signer says:

791 I have personally signed this petition with a holographic signature;

792 I am registered to vote in Utah or will register to vote in Utah before the petition is
793 submitted to the lieutenant governor;

794 I am or desire to become a member of the political party; and

795 My street address is written correctly after my name."; and

796 (g) be vertically divided into columns as follows:

797 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
798 headed with "For Office Use Only," and be subdivided with a light vertical line down the
799 middle;

800 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
801 Name (must be legible to be counted)";

802 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of

803 Registered Voter";

804 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

805 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
806 Code"; and

807 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
808 information is not required, but it may be used to verify your identity with voter registration
809 records. If you choose not to provide it, your signature may not be certified as a valid signature
810 if you change your address before petition signatures are certified or if the information you
811 provide does not match your voter registration records.";

812 (h) have a final page bound to one or more signature sheets that are bound together that
813 contains the following printed statement:

814 "Verification
815 State of Utah, County of _____

816 I, _____, of _____, hereby state that:

817 I am a Utah resident and am at least 18 years old;

818 All the names that appear on the signature sheets bound to this page were signed by
819 individuals who professed to be the individuals whose names appear on the signature sheets,
820 and each individual signed the individual's name on the signature sheets in my presence;

821 I believe that each individual has printed and signed the individual's name and written
822 the individual's street address correctly, and that each individual is registered to vote in Utah or
823 will register to vote in Utah before the petition is submitted to the lieutenant governor.

824 _____
825 (Signature) (Residence Address) (Date)"; and

826 (i) be bound to a cover sheet that:

827 (i) identifies the political party's name, which may not exceed four words, and the
828 emblem of the party;

829 (ii) states the process that the organization will follow to organize and adopt a
830 constitution and bylaws; and

831 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
832 the organization.

833 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual

834 in whose presence each signature sheet is signed:

835 (a) is at least 18 years old;

836 (b) meets the residency requirements of Section 20A-2-105; and

837 (c) verifies each signature sheet by completing the verification bound to one or more

838 signature sheets that are bound together.

839 (5) An individual may not sign the verification if the individual signed a signature

840 sheet bound to the verification.

841 (6) The lieutenant governor shall:

842 (a) determine whether the required number of voters appears on the petition;

843 (b) review the proposed name and emblem to determine if they are "distinguishable"

844 from the names and emblems of other registered political parties; and

845 (c) certify the lieutenant governor's findings to the filing officer described in

846 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

847 (7) (a) If the lieutenant governor determines that the petition meets the requirements of

848 this section, and that the proposed name and emblem are distinguishable, the lieutenant

849 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the

850 prospective political party.

851 (b) If the lieutenant governor finds that the name, emblem, or both are not

852 distinguishable from the names and emblems of other registered political parties, the lieutenant

853 governor shall notify the filing officer that the filing officer has seven days to submit a new

854 name or emblem to the lieutenant governor.

855 (8) A registered political party may not change its name or emblem during the regular

856 general election cycle.

857 (9) (a) It is unlawful for an individual to:

858 (i) knowingly sign a political party registration petition:

859 (A) with any name other than the individual's own name;

860 (B) more than once for the same political party; or

861 (C) if the individual is not registered to vote in this state and does not intend to become

862 registered to vote in this state before the petition is submitted to the lieutenant governor; or

863 (ii) sign the verification of a political party registration petition signature sheet if the

864 individual:

- 865 (A) does not meet the residency requirements of Section 20A-2-105;
- 866 (B) has not witnessed the signing by those individuals whose names appear on the
- 867 political party registration petition signature sheet; or
- 868 (C) knows that an individual whose signature appears on the political party registration
- 869 petition signature sheet is not registered to vote in this state and does not intend to become
- 870 registered to vote in this state.

871 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

872 Section 11. Section 20A-9-101 is amended to read:

873 **20A-9-101. Definitions.**

874 As used in this chapter:

875 (1) (a) "Candidates for elective office" means [~~persons who file a declaration of~~

876 ~~candidacy under Section 20A-9-202]~~ individuals selected by a registered political party as party

877 candidates to run in a regular general election [~~for a federal office, constitutional office,~~

878 ~~multicounty office, or county office].~~

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

- 880 (i) justice or judge of court of record or not of record;
- 881 (ii) presidential elector;
- 882 (iii) any political party offices; and
- 883 (iv) municipal or local district offices.

884 (2) "Constitutional office" means the state offices of governor, lieutenant governor,

885 attorney general, state auditor, and state treasurer.

886 [~~(3) "Continuing political party" means the same as that term is defined in Section~~

887 ~~20A-8-101.~~]

888 [~~(4)~~ (3) (a) "County office" means an elective office where the officeholder is selected

889 by voters entirely within one county.

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

- 891 (i) the office of justice or judge of any court of record or not of record;
- 892 (ii) the office of presidential elector;
- 893 (iii) any political party offices;
- 894 (iv) any municipal or local district offices; and
- 895 (v) the office of United States Senator and United States Representative.

896 ~~[(5)]~~ (4) "Federal office" means an elective office for United States Senator and United
897 States Representative.

898 ~~[(6)]~~ (5) "Filing officer" means:

899 (a) the lieutenant governor, for:

900 (i) an office representing a political division that contains territory
901 in two or more counties;

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

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

904 (b) the county clerk, for county offices and local school district offices~~[-and the county~~
905 ~~clerk in the filer's county of residence, for multicounty offices];~~

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

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

908 ~~[(7)]~~ (6) "Local district office" means an elected office in a local district.

909 ~~[(8)]~~ (7) "Local government office" includes county offices, municipal offices, and
910 local district offices and other elective offices selected by the voters from a political division
911 entirely within one county.

912 ~~[(9)]~~ (8) (a) "Multicounty office" means an elective office where the officeholder is
913 selected by the voters from more than one county.

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

915 (i) a county office;

916 (ii) a federal office;

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

918 (iv) the office of presidential elector;

919 (v) any political party offices; and

920 (vi) any municipal or local district offices.

921 ~~[(10)]~~ (9) "Municipal office" means an elective office in a municipality.

922 ~~[(11)]~~ (10) (a) "Political division" means a geographic unit from which an officeholder
923 is elected and that an officeholder represents.

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

926 ~~[(12)]~~ "Qualified political party" means a registered political party that:]

927 ~~[(a) (i) permits a delegate for the registered political party to vote on a candidate~~
 928 ~~nomination in the registered political party's convention remotely; or]~~

929 ~~[(ii) provides a procedure for designating an alternate delegate if a delegate is not~~
 930 ~~present at the registered political party's convention;]~~

931 ~~[(b) does not hold the registered political party's convention before the fourth Saturday~~
 932 ~~in March of an even-numbered year;]~~

933 ~~[(c) permits a member of the registered political party to seek the registered political~~
 934 ~~party's nomination for any elective office by the member choosing to seek the nomination by~~
 935 ~~either or both of the following methods:]~~

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

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

940 ~~[(d) (i) if the registered political party is a continuing political party, no later than 5~~
 941 ~~p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the~~
 942 ~~election in the following year, the registered political party intends to nominate the registered~~
 943 ~~political party's candidates in accordance with the provisions of Section 20A-9-406; or]~~

944 ~~[(ii) if the registered political party is not a continuing political party, certifies at the~~
 945 ~~time that the registered political party files the petition described in Section 20A-8-103 that, for~~
 946 ~~the next election, the registered political party intends to nominate the registered political~~
 947 ~~party's candidates in accordance with the provisions of Section 20A-9-406;]~~

948 Section 12. Section **20A-9-201** is amended to read:

949 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
 950 **more than one political party prohibited with exceptions -- General filing and form**
 951 **requirements -- Affidavit of impecuniosity.**

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

953 (a) be a United States citizen; and

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

955 ~~[(c) if seeking a registered political party's nomination as a candidate for elective~~
 956 ~~office, state:]~~

957 ~~[(i) the registered political party of which the person is a member; or]~~

958 ~~[(ii) that the person is not a member of a registered political party.]~~

959 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

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

962 (ii) appear on the ballot as the candidate of more than one political party; or

963 (iii) file a declaration of candidacy for a registered political party of which the
964 individual is not a member, except to the extent that the registered political party permits
965 otherwise in the registered political party's bylaws.

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

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

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

976 (3) (a) (i) Except for a candidate for president or vice president of the United States,
977 before the filing officer may accept any declaration of candidacy, the filing officer shall:

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

980 (B) require the candidate to state whether the candidate meets those requirements.

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

983 (A) a United States citizen;

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

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

987 (D) a current resident of the county in which the person is seeking office and either has
988 been a resident of that county for at least one year or was appointed and is currently serving as

989 county attorney and became a resident of the county within 30 days after appointment to the
990 office.

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

994 (A) a United States citizen;

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

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

999 (D) a current resident of the prosecution district in which the person is seeking office
1000 and either will have been a resident of that prosecution district for at least one year as of the
1001 date of the election or was appointed and is currently serving as district attorney and became a
1002 resident of the prosecution district within 30 days after receiving appointment to the office.

1003 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
1004 county clerk shall ensure that the person filing the declaration of candidacy:

1005 (A) as of the date of filing:

1006 (I) is a United States citizen;

1007 (II) is a registered voter in the county in which the person seeks office;

1008 (III) (Aa) has successfully met the standards and training requirements established for
1009 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
1010 Certification Act; or

1011 (Bb) has met the waiver requirements in Section 53-6-206; and

1012 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
1013 53-13-103; and

1014 (B) as of the date of the election, shall have been a resident of the county in which the
1015 person seeks office for at least one year.

1016 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant
1017 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
1018 Education member, the filing officer shall ensure:

1019 (A) that the person filing the declaration of candidacy also files the financial disclosure

1020 required by Section [20A-11-1603](#); and

1021 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
1022 provided to the lieutenant governor according to the procedures and requirements of Section
1023 [20A-11-1603](#).

1024 (b) If the prospective candidate states that the qualification requirements for the office
1025 are not met, the filing officer may not accept the prospective candidate's declaration of
1026 candidacy.

1027 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
1028 requirements of candidacy are met, the filing officer shall:

1029 (i) inform the candidate that:

1030 (A) the candidate's name will appear on the ballot as the candidate's name is written on
1031 the declaration of candidacy;

1032 (B) the candidate may be required to comply with state or local campaign finance
1033 disclosure laws; and

1034 (C) the candidate is required to file a financial statement before the candidate's political
1035 convention under:

1036 (I) Section [20A-11-204](#) for a candidate for constitutional office;

1037 (II) Section [20A-11-303](#) for a candidate for the Legislature; or

1038 (III) local campaign finance disclosure laws, if applicable;

1039 (ii) except for a presidential candidate, provide the candidate with a copy of the current
1040 campaign financial disclosure laws for the office the candidate is seeking and inform the
1041 candidate that failure to comply will result in disqualification as a candidate and removal of the
1042 candidate's name from the ballot;

1043 (iii) provide the candidate with a copy of Section [20A-7-801](#) regarding the Statewide
1044 Electronic Voter Information Website Program and inform the candidate of the submission
1045 deadline under Subsection [20A-7-801\(4\)\(a\)](#);

1046 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1047 described under Section [20A-9-206](#) and inform the candidate that:

1048 (A) signing the pledge is voluntary; and

1049 (B) signed pledges shall be filed with the filing officer;

1050 (v) accept the candidate's declaration of candidacy; and

1051 (vi) if the candidate has filed for a partisan office, provide a certified copy of the
1052 declaration of candidacy to the chair of the county or state political party of which the
1053 candidate is a member.

1054 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1055 officer shall:

1056 (i) accept the candidate's pledge; and

1057 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1058 candidate's pledge to the chair of the county or state political party of which the candidate is a
1059 member.

1060 (4) (a) Except for a candidate for president or vice president of the United States, the
1061 form of the declaration of candidacy shall~~[(i)]~~ be substantially as follows:

1062 "State of Utah, County of _____

1063 I, _____, declare my ~~[candidacy]~~ intention of becoming a candidate
1064 for the office of _____, ~~[seeking the nomination of]~~ as a candidate for the _____ party. I
1065 do solemnly swear that: I will meet the qualifications to hold the office, both legally and
1066 constitutionally, if selected; I reside at _____ in the City or Town of _____,
1067 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
1068 campaigns and elections; I will file all campaign financial disclosure reports as required
1069 by law; and I understand that failure to do so will result in my disqualification as a
1070 candidate for this office and removal of my name from the ballot. The mailing address
1071 that I designate for receiving official election notices is
1072 _____.

1073 _____

1074 Subscribed and sworn before me this _____ (month\day\year).

1075 Notary Public (or other officer qualified to administer oath)."~~[-and]~~

1076 ~~[(ii) require the candidate to state, in the sworn statement described in Subsection~~

1077 ~~(4)(a)(i):]~~

1078 ~~[(A) the registered political party of which the candidate is a member; or]~~

1079 ~~[(B) that the candidate is not a member of a registered political party.]~~

1080 (b) An agent designated to file a declaration of candidacy under Section 20A-9-202

1081 may not sign the form described in Subsection (4)(a).

1082 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy
1083 is:

1084 (i) \$50 for candidates for the local school district board; and

1085 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
1086 person holding the office for all other federal, state, and county offices.

1087 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
1088 any candidate:

1089 (i) who is disqualified; or

1090 (ii) who the filing officer determines has filed improperly.

1091 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
1092 from candidates.

1093 (ii) The lieutenant governor shall:

1094 (A) apportion to and pay to the county treasurers of the various counties all fees
1095 received for filing of nomination certificates or acceptances; and

1096 (B) ensure that each county receives that proportion of the total amount paid to the
1097 lieutenant governor from the congressional district that the total vote of that county for all
1098 candidates for representative in Congress bears to the total vote of all counties within the
1099 congressional district for all candidates for representative in Congress.

1100 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
1101 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
1102 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
1103 a financial statement filed at the time the affidavit is submitted.

1104 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1105 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
1106 statement filed under this section shall be subject to the criminal penalties provided under
1107 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1108 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be
1109 considered an offense under this title for the purposes of assessing the penalties provided in
1110 Subsection 20A-1-609(2).

1111 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
1112 substantially the following form:

1113 "Affidavit of Impecuniosity

1114 Individual Name

1115 _____ Address _____

1116 Phone Number _____

1117 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
1118 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
1119 law.

1120 Date _____ Signature _____

1121 Affiant

1122 Subscribed and sworn to before me on _____ (month\day\year)

1123 _____
1124 (signature)

1125 Name and Title of Officer Authorized to Administer Oath _____"

1126 (v) The filing officer shall provide to a person who requests an affidavit of
1127 impecuniosity a statement printed in substantially the following form, which may be included
1128 on the affidavit of impecuniosity:

1129 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1130 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1131 penalties, will be removed from the ballot."

1132 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1133 under this Subsection (5)(d) file a financial statement on a form prepared by the election
1134 official.

1135 (6) (a) If there is no legislative appropriation for the Western States Presidential
1136 Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for
1137 president of the United States who is affiliated with a registered political party and chooses to
1138 participate in the regular primary election shall:

1139 (i) file a declaration of candidacy, in person or via a designated agent, with the
1140 lieutenant governor:

1141 (A) on a form developed and provided by the lieutenant governor; and

1142 (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in
1143 March before the next regular primary election;

- 1144 (ii) identify the registered political party whose nomination the candidate is seeking;
 1145 (iii) provide a letter from the registered political party certifying that the candidate may
 1146 participate as a candidate for that party in that party's presidential primary election; and
 1147 (iv) pay the filing fee of \$500.

1148 (b) An agent designated to file a declaration of candidacy may not sign the form
 1149 described in Subsection (6)(a)(i)(A).

1150 (7) Any person who fails to file a declaration of candidacy or certificate of nomination
 1151 within the time provided in this chapter is ineligible for nomination to office.

1152 (8) A declaration of candidacy filed under this section may not be amended or
 1153 modified after the final date established for filing a declaration of candidacy.

1154 Section 13. Section **20A-9-202** is amended to read:

1155 **20A-9-202. Declarations of candidacy for regular general elections.**

1156 (1) (a) Each person seeking to become a candidate for ~~[an]~~ elective office for a county
 1157 office that is to be filled at the next regular general election shall:

1158 (i) ~~file a declaration of candidacy in person with the [filing officer on or after January 1~~
 1159 ~~of the regular general election year, and, if applicable, before the candidate circulates~~
 1160 ~~nomination petitions under Section 20A-9-405]~~ county clerk on or after the second Friday in
 1161 March and before 5 p.m. on the third Thursday in March before the next regular general
 1162 election; and

1163 (ii) pay the filing fee.

1164 (b) Each person intending to become a candidate for a legislative office or multicounty
 1165 office that is to be filled at the next regular general election shall:

1166 (i) file a declaration of candidacy in person with either the lieutenant governor or the
 1167 county clerk in the candidate's county of residence on or after the second Friday in March and
 1168 before 5 p.m. on the third Thursday in March before the next regular general election; and

1169 (ii) pay the filing fee.

1170 ~~[(b)]~~ (c) (i) Each county clerk who receives a declaration of candidacy from a candidate
 1171 for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
 1172 candidacy to the lieutenant governor within one working day after it is filed.

1173 ~~[(c)]~~ (ii) Each day during the filing period, each county clerk shall notify the lieutenant
 1174 governor electronically or by telephone of legislative candidates who have filed in [their] the

1175 county clerk's office.

1176 (d) Each person seeking to become a candidate for elective office for a federal office or
1177 constitutional office that is to be filled at the next regular general election shall:

1178 (i) file a declaration of candidacy in person with the lieutenant governor on or after the
1179 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1180 regular general election; and

1181 (ii) pay the filing fee.

1182 ~~[(d)]~~ (e) Each person seeking the office of lieutenant governor, the office of district
1183 attorney, or the office of president or vice president of the United States shall comply with the
1184 specific declaration of candidacy requirements established by this section.

1185 (2) (a) Each person intending to become a candidate for the office of district attorney
1186 within a multicounty prosecution district that is to be filled at the next regular general election
1187 shall:

1188 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1189 creating the prosecution district on or after ~~[January 1 of the regular general election year, and~~
1190 ~~before the candidate circulates nomination petitions under Section 20A-9-405]~~ the second
1191 Friday in March and before 5 p.m. on the third Thursday in March before the next regular
1192 general election; and

1193 (ii) pay the filing fee.

1194 (b) The designated clerk shall provide to the county clerk of each county in the
1195 prosecution district a certified copy of each declaration of candidacy filed for the office of
1196 district attorney.

1197 (3) (a) ~~[On or before 5 p.m. on the first Monday after the third Saturday in April]~~
1198 Within five working days of nomination, each lieutenant governor candidate shall:

1199 (i) file a declaration of candidacy with the lieutenant governor;

1200 (ii) pay the filing fee; and

1201 (iii) submit a letter from a candidate for governor who has received certification for the
1202 ~~[primary election]~~ primary election ballot under Section 20A-9-403 that names the lieutenant
1203 governor candidate as a joint-ticket running mate.

1204 (b) Any candidate for lieutenant governor who fails to ~~[timely]~~ file within five working
1205 days is disqualified. If a candidate for lieutenant governor is disqualified, another candidate

1206 shall ~~file~~ be nominated to replace the disqualified candidate.

1207 (4) On or before August 31, each registered political party shall:

1208 (a) certify the names of its candidates for president and vice president of the United
1209 States to the lieutenant governor; or

1210 (b) provide written authorization for the lieutenant governor to accept the certification
1211 of candidates for president and vice president of the United States from the national office of
1212 the registered political party.

1213 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1214 objection is filed with the clerk or lieutenant governor within five days after the last day for
1215 filing.

1216 (b) If an objection is made, the clerk or lieutenant governor shall:

1217 (i) mail or personally deliver notice of the objection to the affected candidate
1218 immediately; and

1219 (ii) decide any objection within 48 hours after it is filed.

1220 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1221 problem by amending the declaration or petition within three days after the objection is
1222 sustained or by filing a new declaration within three days after the objection is sustained.

1223 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1224 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1225 by a district court if prompt application is made to the court.

1226 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1227 of its discretion, agrees to review the lower court decision.

1228 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1229 filing a written affidavit with the clerk.

1230 (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement
1231 in this section to file a declaration of candidacy in person, a person may designate an agent to
1232 file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

1233 (a) the person is located outside the state during the filing period because:

1234 (i) of employment with the state or the United States; or

1235 (ii) the person is a member of:

1236 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or

1237 Coast Guard of the United States who is on active duty;

1238 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1239 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1240 States; or

1241 (C) the National Guard on activated status;

1242 (b) the person communicates with the filing officer using an electronic device that
1243 allows the person and filing officer to see and hear each other; and

1244 (c) the person provides the filing officer with an email address to which the filing
1245 officer may send the copies described in Subsection 20A-9-201(3).

1246 (8) (a) Except for a candidate who is certified by a registered political party under
1247 Subsection (4), and except as provided in Section 20A-9-504, on or before August 31 of a
1248 general election year, each individual running as a candidate for vice president of the United
1249 States shall:

1250 (i) file a declaration of candidacy, in person or via designated agent, on a form
1251 developed by the lieutenant governor, that:

1252 (A) contains the individual's name, address, and telephone number;

1253 (B) states that the individual meets the qualifications for the office of vice president of
1254 the United States;

1255 (C) names the presidential candidate, who has qualified for the general election ballot,
1256 with which the individual is running as a joint-ticket running mate;

1257 (D) states that the individual agrees to be the running mate of the presidential candidate
1258 described in Subsection (8)(a)(i)(C); and

1259 (E) contains any other necessary information identified by the lieutenant governor;

1260 (ii) pay the filing fee, if applicable; and

1261 (iii) submit a letter from the presidential candidate described in Subsection (8)(a)(i)(C)
1262 that names the individual as a joint-ticket running mate as a vice presidential candidate.

1263 (b) A designated agent described in Subsection (8)(a)(i) may not sign the declaration of
1264 candidacy.

1265 (c) A vice presidential candidate who fails to meet the requirements described in this
1266 Subsection (8) may not appear on the general election ballot.

1267 Section 14. Section 20A-9-203 is amended to read:

1268 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1269 (1) An individual may become a candidate for any municipal office if:

1270 (a) the individual is a registered voter; and

1271 (b) (i) the individual has resided within the municipality in which the individual seeks
1272 to hold elective office for the 12 consecutive months immediately before the date of the
1273 election; or

1274 (ii) the territory in which the individual resides was annexed into the municipality, the
1275 individual has resided within the annexed territory or the municipality the 12 consecutive
1276 months immediately before the date of the election.

1277 (2) (a) For purposes of determining whether an individual meets the residency
1278 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
1279 before the election, the municipality is considered to have been incorporated 12 months before
1280 the date of the election.

1281 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
1282 council position shall, if elected from a district, be a resident of the council district from which
1283 the candidate is elected.

1284 (c) In accordance with Utah Constitution, Article IV, Section 6, any mentally
1285 incompetent person, any person convicted of a felony, or any person convicted of treason or a
1286 crime against the elective franchise may not hold office in this state until the right to hold
1287 elective office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

1288 (3) (a) An individual seeking to become a candidate for a municipal office shall[-
1289 ~~regardless of the nomination method by which the individual is seeking to become a~~
1290 ~~candidate~~]:

1291 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
1292 the office hours described in Section [10-3-301](#) and not later than the close of those office
1293 hours, between June 1 and June 7 of any odd-numbered year; and

1294 (ii) pay the filing fee, if one is required by municipal ordinance.

1295 (b) Any resident of a municipality may nominate a candidate for a municipal office by:

1296 (i) filing a nomination petition with the city recorder or town clerk during the office
1297 hours described in Section [10-3-301](#) and not later than the close of those office hours, between
1298 June 1 and June 7 of any odd-numbered year; and

- 1299 (ii) paying the filing fee, if one is required by municipal ordinance.
- 1300 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
1301 petition, the filing officer shall:
- 1302 (i) read to the prospective candidate or individual filing the petition the constitutional
1303 and statutory qualification requirements for the office that the candidate is seeking; and
- 1304 (ii) require the candidate or individual filing the petition to state whether the candidate
1305 meets those requirements.
- 1306 (b) If the prospective candidate does not meet the qualification requirements for the
1307 office, the filing officer may not accept the declaration of candidacy or nomination petition.
- 1308 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1309 filing officer shall:
- 1310 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1311 written on the declaration of candidacy;
- 1312 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
1313 for the office the candidate is seeking and inform the candidate that failure to comply will
1314 result in disqualification as a candidate and removal of the candidate's name from the ballot;
- 1315 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1316 Electronic Voter Information Website Program and inform the candidate of the submission
1317 deadline under Subsection 20A-7-801(4)(a);
- 1318 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1319 described under Section 20A-9-206 and inform the candidate that:
- 1320 (A) signing the pledge is voluntary; and
1321 (B) signed pledges shall be filed with the filing officer; and
- 1322 (v) accept the declaration of candidacy or nomination petition.
- 1323 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1324 officer shall:
- 1325 (i) accept the candidate's pledge; and
1326 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1327 candidate's pledge to the chair of the county or state political party of which the candidate is a
1328 member.
- 1329 (5) Notwithstanding the requirement in Subsection (3)(a)(i) to file a declaration of

1330 candidacy in person, an individual may designate an agent to file the form described in
1331 Subsection (6) in person with the city recorder or town clerk if:

1332 (a) the individual is located outside the state during the filing period because:

1333 (i) of employment with the state or the United States; or

1334 (ii) the individual is a member of:

1335 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
1336 Coast Guard of the United States who is on active duty;

1337 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
1338 commissioned corps of the National Oceanic and Atmospheric Administration of the United
1339 States; or

1340 (C) the National Guard on activated status;

1341 (b) the individual makes the declaration of candidacy described in Subsection (6) to an
1342 individual qualified to administer an oath;

1343 (c) the individual communicates with the city recorder or town clerk using an
1344 electronic device that allows the individual and the city recorder or town clerk to see and hear
1345 each other; and

1346 (d) the individual provides the city recorder or town clerk with an email address to
1347 which the filing officer may send the copies described in Subsection (4).

1348 (6) (a) The declaration of candidacy shall substantially comply with the following
1349 form:

1350 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
1351 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
1352 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
1353 the legal qualifications required of candidates for this office. I will file all campaign financial
1354 disclosure reports as required by law and I understand that failure to do so will result in my
1355 disqualification as a candidate for this office and removal of my name from the ballot. I
1356 request that my name be printed upon the applicable official ballots. (Signed)

1357 _____

1358 Subscribed and sworn to (or affirmed) before me by ____ on this
1359 _____(month\day\year).

1360 (Signed) _____ (Clerk or other officer qualified to administer oath)".

1361 (b) An agent designated to file a declaration of candidacy under Subsection (5) may not
1362 sign the form described in Subsection (6)(a).

1363 (7) (a) A registered voter may be nominated for municipal office by submitting a
1364 petition signed, with a holographic signature, by:

1365 (i) 25 residents of the municipality who are at least 18 years old; or

1366 (ii) 20% of the residents of the municipality who are at least 18 years old.

1367 (b) (i) The petition shall substantially conform to the following form:

1368 "NOMINATION PETITION

1369 The undersigned residents of (name of municipality) being 18 years old or older
1370 nominate (name of nominee) to the office of _____ for the (two or four-year term, whichever is
1371 applicable)."

1372 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1373 individuals signing the petition and the individuals' addresses and telephone numbers.

1374 (8) If the declaration of candidacy or nomination petition fails to state whether the
1375 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
1376 for the four-year term.

1377 (9) (a) The clerk shall verify with the county clerk that all candidates are registered
1378 voters.

1379 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1380 print the candidate's name on the ballot.

1381 (10) Immediately after expiration of the period for filing a declaration of candidacy, the
1382 clerk shall:

1383 (a) cause the names of the candidates as they will appear on the ballot to be published:

1384 (i) in at least two successive publications of a newspaper with general circulation in the
1385 municipality; and

1386 (ii) as required in Section [45-1-101](#); and

1387 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1388 the ballot.

1389 (11) A declaration of candidacy or nomination petition filed under this section may not
1390 be amended after the expiration of the period for filing a declaration of candidacy.

1391 (12) (a) A declaration of candidacy or nomination petition filed under this section is

1392 valid unless a written objection is filed with the clerk within five days after the last day for
1393 filing.

1394 (b) If an objection is made, the clerk shall:

1395 (i) mail or personally deliver notice of the objection to the affected candidate
1396 immediately; and

1397 (ii) decide any objection within 48 hours after the objection is filed.

1398 (c) If the clerk sustains the objection, the candidate may correct the problem by
1399 amending the declaration or petition within three days after the objection is sustained or by
1400 filing a new declaration within three days after the objection is sustained.

1401 (d) (i) The clerk's decision upon objections to form is final.

1402 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1403 prompt application is made to the district court.

1404 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1405 of its discretion, agrees to review the lower court decision.

1406 (13) An individual who files a declaration of candidacy and is nominated, and an
1407 individual who is nominated by a nomination petition, may, any time up to 23 days before the
1408 election, withdraw the nomination by filing a written affidavit with the clerk.

1409 Section 15. Section **20A-9-403** is amended to read:

1410 **20A-9-403. Regular primary elections.**

1411 (1) (a) [~~Candidates for elective office that are to be filled at the next regular general~~
1412 ~~election shall be nominated in a regular primary election by direct vote of the people in the~~
1413 ~~manner prescribed in this section.~~] The fourth Tuesday of June of each even-numbered year is
1414 designated as regular primary election day. [~~Nothing in this section shall affect a candidate's~~
1415 ~~ability to qualify for a regular general election's ballot as an unaffiliated candidate under~~
1416 ~~Section 20A-9-501 or to participate in a regular general election as a write-in candidate under~~
1417 ~~Section 20A-9-601.~~]

1418 (b) Each registered political party that chooses to [~~have the names~~] use the primary
1419 election process to nominate some or all of the registered political party's candidates [~~for~~
1420 ~~elective office featured with party affiliation on the ballot at a regular general election]~~ shall
1421 comply with the requirements of this section [~~and shall nominate the registered political party's~~
1422 ~~candidates for elective office in the manner described in this section].~~

1423 ~~[(c) A filing officer may not permit an official ballot at a regular general election to be~~
1424 ~~produced or used if the ballot denotes affiliation between a registered political party or any~~
1425 ~~other political group and a candidate for elective office who is not nominated in the manner~~
1426 ~~prescribed in this section or in Subsection 20A-9-202(4).]~~

1427 ~~[(d) Unless noted otherwise, the dates in this section refer to those that occur in each~~
1428 ~~even-numbered year in which a regular general election will be held.]~~

1429 (2) (a) ~~[Each]~~ As a condition for using the state's election system, each registered
1430 political party~~[, in a statement filed with the lieutenant governor,]~~ that wishes to participate in
1431 the primary election shall:

1432 (i) ~~[either]~~ declare the registered political party's intent to participate in the ~~[next~~
1433 ~~regular]~~ primary election ~~[or declare that the registered political party chooses not to have the~~
1434 ~~names of the registered political party's candidates for elective office featured on the ballot at~~
1435 ~~the next regular general election; and];~~

1436 (ii) ~~[if the registered political party participates in the upcoming regular primary~~
1437 ~~election,]~~ identify one or more registered political parties whose members may vote for the
1438 registered political party's candidates and whether individuals identified as unaffiliated with a
1439 political party may vote for the registered political party's candidates~~[-];~~ and

1440 ~~[(b) (i) A registered political party that is a continuing political party shall file the~~
1441 ~~statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on~~
1442 ~~November 30 of each odd-numbered year.]~~

1443 ~~[(ii) An organization that is seeking to become a registered political party under~~
1444 ~~Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the~~
1445 ~~registered political party files the petition described in Section 20A-8-103.]~~

1446 ~~[(3) (a) Except as provided in Subsection (3)(e), an individual who submits a~~
1447 ~~declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective~~
1448 ~~office on the regular primary ballot of the registered political party listed on the declaration of~~
1449 ~~candidacy only if the individual is certified by the appropriate filing officer as having submitted~~
1450 ~~a set of nomination petitions that was:]~~

1451 ~~[(i) circulated and completed in accordance with Section 20A-9-405; and]~~

1452 ~~[(ii) signed by at least 2% of the registered political party's members who reside in the~~
1453 ~~political division of the office that the individual seeks.]~~

1454 ~~[(b) (i) A candidate for elective office shall submit nomination petitions to the~~
1455 ~~appropriate filing officer for verification and certification no later than 5 p.m. on the final day~~
1456 ~~in March.]~~

1457 ~~[(ii) A candidate may supplement the candidate's submissions at any time on or before~~
1458 ~~the filing deadline.]~~

1459 ~~[(c) (i) The lieutenant governor shall determine for each elective office the total~~
1460 ~~number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the~~
1461 ~~aggregate number of individuals residing in each elective office's political division who have~~
1462 ~~designated a particular registered political party on the individuals' voter registration forms on~~
1463 ~~or before November 15 of each odd-numbered year.]~~

1464 ~~[(ii) The lieutenant governor shall publish the determination for each elective office no~~
1465 ~~later than November 30 of each odd-numbered year.]~~

1466 ~~[(d) The filing officer shall:]~~

1467 ~~[(i) verify signatures on nomination petitions in a transparent and orderly manner;]~~

1468 ~~[(ii) for all qualifying candidates for elective office who submit nomination petitions to~~
1469 ~~the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the~~
1470 ~~first Monday after the third Saturday in April;]~~

1471 ~~[(iii) consider active and inactive voters eligible to sign nomination petitions;]~~

1472 ~~[(iv) consider an individual who signs a nomination petition a member of a registered~~
1473 ~~political party for purposes of Subsection (3)(a)(ii) if the individual has designated that~~
1474 ~~registered political party as the individual's party membership on the individual's voter~~
1475 ~~registration form; and]~~

1476 ~~[(v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted~~
1477 ~~nomination petition signatures, or use statistical sampling procedures to verify submitted~~
1478 ~~nomination petition signatures in accordance with rules made under Subsection (3)(f).]~~

1479 ~~[(e) Notwithstanding any other provision in this Subsection (3), a candidate for~~
1480 ~~lieutenant governor may appear on the regular primary ballot of a registered political party~~
1481 ~~without submitting nomination petitions if the candidate files a declaration of candidacy and~~
1482 ~~complies with Subsection [20A-9-202\(3\)](#).]~~

1483 ~~[(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
1484 ~~director of elections, within the Office of the Lieutenant Governor, shall make rules that:]~~

1485 ~~[(i) provide for the use of statistical sampling procedures that:]~~
1486 ~~[(A) filing officers are required to use to verify signatures under Subsection (3)(d);~~
1487 ~~and]~~
1488 ~~[(B) reflect a bona fide effort to determine the validity of a candidate's entire~~
1489 ~~submission, using widely recognized statistical sampling techniques; and]~~
1490 ~~[(ii) provide for the transparent, orderly, and timely submission, verification, and~~
1491 ~~certification of nomination petition signatures.]~~
1492 (iii) certify the information described in this Subsection (2)(a) to the lieutenant
1493 governor no later than 5 p.m. on March 1 of each even-numbered year.
1494 (b) As a condition for using the state's election system, each registered political party
1495 that wishes to participate in the primary election shall:
1496 (i) certify the name and office of each of the registered political party's candidates to
1497 the lieutenant governor no later than 5 p.m. on the first Monday after the fourth Saturday in
1498 April of each even-numbered year and indicate which of the candidates will be on the primary
1499 ballot; and
1500 (ii) certify the name and office of each of the registered political party's county
1501 candidates to the county clerks by 5 p.m. on the first Monday after the fourth Saturday in April
1502 of each even-numbered year and indicate which of the candidates will be on the primary ballot.
1503 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each
1504 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
1505 names of all statewide candidates, multicounty candidates, or single county candidates that
1506 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in
1507 accordance with Section [20A-6-305](#).
1508 (d) Except for presidential candidates, if a registered political party does not wish to
1509 participate in the primary election, the registered political party shall submit the names of the
1510 registered political party's county candidates to the county clerks and the names of all of the
1511 registered political party's candidates to the lieutenant governor by 5 p.m. on May 30 of each
1512 even-numbered year.
1513 ~~[(g)]~~ (3) The county clerk shall:
1514 ~~[(i)]~~ (a) review the declarations of candidacy filed by candidates for local boards of
1515 education to determine if more than two candidates have filed for the same seat;

1516 [(~~ii~~)] (b) place the names of all candidates who have filed a declaration of candidacy
1517 for a local board of education seat on the nonpartisan section of the ballot if more than two
1518 candidates have filed for the same seat; and

1519 [(~~iii~~)] (c) determine the order of the [~~local board of education~~] candidates' names on the
1520 ballot in accordance with Section 20A-6-305.

1521 [(~~4~~)] (a) ~~By 5 p.m. on the first Wednesday after the third Saturday in April, the~~
1522 ~~lieutenant governor shall provide to the county clerks:]~~

1523 [(~~i~~)] ~~a list of the names of all candidates for federal, constitutional, multi-county, single~~
1524 ~~county, and county offices who have received certifications under Subsection (3), along with~~
1525 ~~instructions on how those names shall appear on the primary election ballot in accordance with~~
1526 ~~Section 20A-6-305; and]~~

1527 [(~~ii~~)] ~~a list of unopposed candidates for elective office who have been nominated by a~~
1528 ~~registered political party under Subsection (5)(c) and instruct the county clerks to exclude the~~
1529 ~~unopposed candidates from the primary election ballot.]~~

1530 [(~~b~~)] ~~A candidate for lieutenant governor and a candidate for governor campaigning as~~
1531 ~~joint-ticket running mates shall appear jointly on the primary election ballot.]~~

1532 [(~~e~~)] (4) After the county clerk receives the certified list from [~~the lieutenant governor~~
1533 ~~under Subsection (4)(a)] a registered political party, the county clerk shall post or publish a
1534 primary election notice in substantially the following form:~~

1535 "Notice is given that a primary election will be held Tuesday, June ____,
1536 _____(year), to nominate party candidates for the parties and [~~candidates for~~] nonpartisan
1537 [~~local school board positions~~] offices listed on the primary ballot. The polling place for voting
1538 precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same
1539 day. Attest: county clerk."

1540 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary
1541 election, receives the highest number of votes cast for the office sought by the candidate is[
1542 (~~i~~)] nominated for that office by the candidate's registered political party[~~;~~ ~~or~~] or nonpartisan
1543 group.

1544 [(~~ii~~)] ~~for a nonpartisan local school board position, nominated for that office:]~~

1545 (b) If two or more candidates, other than presidential candidates, are to be elected to
1546 the office at the regular general election, those party candidates equal in number to positions to

1547 be filled who receive the highest number of votes at the regular primary election are the
1548 nominees of the candidates' party for those positions.

1549 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1550 (A) no individual other than the candidate receives a certification under Subsection
1551 [~~(3)~~] (2) for the regular primary election ballot of the candidate's registered political party for a
1552 particular elective office; or

1553 (B) for an office where more than one individual is to be elected or nominated, the
1554 number of candidates who receive certification under Subsection [~~(3)~~] (2) for the regular
1555 primary election of the candidate's registered political party does not exceed the total number of
1556 candidates to be elected or nominated for that office.

1557 (ii) A candidate who is unopposed for an elective office in the regular primary election
1558 of a registered political party is nominated by the party for that office without appearing on the
1559 primary election ballot.

1560 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1561 office that represents more than one county, the governor, lieutenant governor, and attorney
1562 general shall, at a public meeting called by the governor and in the presence of the candidates
1563 involved, select the nominee by lot cast in whatever manner the governor determines.

1564 (b) When a tie vote occurs in any primary election for any county office, the district
1565 court judges of the district in which the county is located shall, at a public meeting called by
1566 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1567 whatever manner the judges determine.

1568 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1569 primary election provided for by this section, and all expenses necessarily incurred in the
1570 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1571 county or state, in the same manner as for the regular general elections.

1572 (8) An individual may not file a declaration of candidacy for a registered political party
1573 of which the individual is not a member, except to the extent that the registered political party
1574 permits otherwise under the registered political party's bylaws.

1575 Section 16. Section **20A-9-404** is amended to read:

1576 **20A-9-404. Municipal primary elections.**

1577 (1) (a) Except as otherwise provided in this section, candidates for municipal office in

1578 all municipalities shall be nominated at a municipal primary election.

1579 (b) Municipal primary elections shall be held:

1580 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1581 Monday in the August before the regular municipal election; and

1582 (ii) whenever possible, at the same polling places as the regular municipal election.

1583 (2) If the number of candidates for a particular municipal office does not exceed twice
1584 the number of individuals needed to fill that office, a primary election for that office may not
1585 be held and the candidates are considered nominated.

1586 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1587 of voters or delegates.

1588 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1589 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1590 by providing that the nomination of candidates for municipal office to be voted upon at a
1591 municipal election be nominated by a political party convention or committee.

1592 (ii) Any primary election exemption ordinance adopted under the authority of this
1593 Subsection (3) remains in effect until repealed by ordinance.

1594 (c) (i) A convention or committee may not nominate ~~[(A) an individual who has not~~
1595 ~~submitted a declaration of candidacy, or has not been nominated by a nomination petition,~~
1596 ~~under Section 20A-9-203; or (B)]~~ more than one group of candidates, or have placed on the
1597 ballot more than one group of candidates, for the municipal offices to be voted upon at the
1598 municipal election.

1599 (ii) A convention or committee may nominate an individual who has been nominated
1600 by a different convention or committee.

1601 (iii) A political party may not have more than one group of candidates placed upon the
1602 ballot and may not group the same candidates on different tickets by the same party under a
1603 different name or emblem.

1604 (d) (i) The convention or committee shall prepare a certificate of nomination for each
1605 individual nominated.

1606 (ii) The certificate of nomination shall:

1607 (A) contain the name of the office for which each individual is nominated, the name,
1608 post office address, and, if in a city, the street number of residence and place of business, if

1609 any, of each individual nominated;

1610 (B) designate in not more than five words the political party that the convention or
1611 committee represents;

1612 (C) contain a copy of the resolution passed at the convention that authorized the
1613 committee to make the nomination;

1614 (D) contain a statement certifying that the name of the candidate nominated by the
1615 political party will not appear on the ballot as a candidate for any other political party;

1616 (E) be signed by the presiding officer and secretary of the convention or committee;

1617 and

1618 (F) contain a statement identifying the residence and post office address of the
1619 presiding officer and secretary and certifying that the presiding officer and secretary were
1620 officers of the convention or committee and that the certificates are true to the best of their
1621 knowledge and belief.

1622 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
1623 before the municipal general election.

1624 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1625 may also make nominations or fill vacancies in nominations made at a convention.

1626 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1627 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1628 be included with the candidate's name.

1629 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
1630 that falls before the regular municipal election that:

1631 (i) exempts the city from the other methods of nominating candidates to municipal
1632 office provided in this section; and

1633 (ii) provides for a partisan primary election method of nominating candidates as
1634 provided in this Subsection (4).

1635 (b) (i) Any party that was a registered political party at the last regular general election
1636 or regular municipal election is a municipal political party under this section.

1637 (ii) Any political party may qualify as a municipal political party by presenting a
1638 petition to the city recorder that:

1639 (A) is signed, with a holographic signature, by registered voters within the municipality

1640 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1641 municipal election at which a mayor was elected;

1642 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1643 (C) is substantially similar to the form of the signature sheets described in Section
1644 [20A-7-303](#); and

1645 (D) contains the name of the municipal political party using not more than five words.

1646 (c) (i) If the number of candidates for a particular office does not exceed twice the
1647 number of offices to be filled at the regular municipal election, no partisan primary election for
1648 that office shall be held and the candidates are considered to be nominated.

1649 (ii) If the number of candidates for a particular office exceeds twice the number of
1650 offices to be filled at the regular municipal election, those candidates for municipal office shall
1651 be nominated at a partisan primary election.

1652 (d) The clerk shall ensure that:

1653 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1654 Sections [20A-6-401](#) and [20A-6-401.1](#);

1655 (ii) the candidates for each municipal political party are listed in one or more columns
1656 under their party name and emblem;

1657 (iii) the names of candidates of all parties are printed on the same ballot, but under
1658 their party designation;

1659 (iv) every ballot is folded and perforated in a manner that separates the candidates of
1660 one party from those of the other parties and enables the voter to separate the part of the ballot
1661 containing the names of the party of the voter's choice from the remainder of the ballot; and

1662 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
1663 when detached, are similar in appearance to inside sections when detached.

1664 (e) After marking a municipal primary ballot, the voter shall:

1665 (i) detach the part of the ballot containing the names of the candidates of the party the
1666 voter has voted from the rest of the ballot;

1667 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;

1668 and

1669 (iii) fold the remainder of the ballot containing the names of the candidates of the
1670 parties for whom the elector did not vote and deposit it in the blank ballot box.

1671 (f) Immediately after the canvass, the election judges shall, without examination,
1672 destroy the tickets deposited in the blank ballot box.

1673 Section 17. Section **20A-9-701** is amended to read:

1674 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1675 (1) No later than August 31 of each regular general election year, the lieutenant
1676 governor shall certify to each county clerk~~[, for offices to be voted upon at the regular general~~
1677 ~~election in that county clerk's county. (a)]~~ the names of each candidate ~~[nominated under~~
1678 ~~Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and (b) the names of the]~~, including
1679 candidates for president and vice president that are certified by the registered political party as
1680 the party's nominees, for offices to be voted upon at the regular general election in that county
1681 clerk's county.

1682 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1683 the ballot as they are provided on the candidate's declaration of candidacy. ~~[No other names~~
1684 ~~may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered~~
1685 ~~political party, political party, or other political group.]~~

1686 Section 18. **Repealer.**

1687 This bill repeals:

1688 Section **20A-1-103, Severability clause.**

1689 Section **20A-9-405, Nomination petitions for regular primary elections.**

1690 Section **20A-9-406, Qualified political party -- Requirements and exemptions.**

1691 Section **20A-9-407, Convention process to seek the nomination of a qualified**
1692 **political party.**

1693 Section **20A-9-408, Signature-gathering process to seek the nomination of a**
1694 **qualified political party.**

1695 Section **20A-9-408.5, Declaration of candidacy form for qualified political party.**

1696 Section **20A-9-409, Primary election provisions relating to qualified political party.**

1697 Section **20A-9-410, Rulemaking authority.**

1698 Section **20A-9-411, Signing multiple nomination petitions.**

1699 Section 19. **Effective date.**

1700 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
1701 elected to each house, this bill takes effect upon approval by the governor, if the governor

1702 approves the bill on or before March 8, 2018.

1703 (2) If this bill is not approved by two-thirds of all the members elected to each house,

1704 or if the governor does not approve the bill on or before March 8, 2018, this bill takes effect on

1705 January 1, 2019.

Legislative Review Note
Office of Legislative Research and General Counsel