

Appearance of Candidate Name on Ballot

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

LONG TITLE**Committee Note:**

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 4 absent

General Description:

This bill addresses the manner in which a candidate's name may appear on a ballot.

Highlighted Provisions:

This bill:

- ▶ establishes criteria for permitting a candidate to:
 - use the candidate's middle name instead of the candidate's first name on a ballot;
 - use the candidate's nickname on a ballot; or
 - use the candidate's initial on a ballot;
- ▶ establishes a procedure for a candidate to request that the candidate's name appear on a ballot as described in the preceding paragraph; and
- ▶ provides for an appeal of a rejection of a request described in the preceding paragraph.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

17B-1-306, as last amended by Laws of Utah 2024, Chapters 382, 465

20A-6-203, as last amended by Laws of Utah 2020, Chapter 31

20A-6-301, as last amended by Laws of Utah 2021, Chapter 136

20A-6-302, as last amended by Laws of Utah 2020, Chapter 31

20A-6-401, as last amended by Laws of Utah 2024, Chapters 438, 465

20A-6-401.1, as last amended by Laws of Utah 2020, Chapter 31

20A-6-402, as last amended by Laws of Utah 2024, Chapter 438

20A-9-201, as last amended by Laws of Utah 2024, Chapter 465

32 **20A-9-203**, as last amended by Laws of Utah 2024, Chapter 465
 33 **20A-9-403**, as last amended by Laws of Utah 2024, Chapter 503
 34 **20A-9-409**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
 35 **20A-12-201**, as last amended by Laws of Utah 2023, Chapter 394

36 ENACTS:

37 **20A-6-109**, Utah Code Annotated 1953

38 RENUMBERS AND AMENDS:

39 **20A-6-110**, (Renumbered from 20A-6-305, as last amended by Laws of Utah 2020,
 40 Chapter 49)

41

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

43 Section 1. Section **17B-1-306** is amended to read:

44 **17B-1-306 . Special district board -- Election procedures -- Notice.**

45 (1) Except as provided in Subsection (12), each elected board member shall be selected as
 46 provided in this section.

47 (2)(a) Each election of a special district board member shall be held:

48 (i) at the same time as the municipal general election or the regular general election,
 49 as applicable; and

50 (ii) at polling places designated by the special district board in consultation with the
 51 county clerk for each county in which the special district is located, which polling
 52 places shall coincide with municipal general election or regular general election
 53 polling places, as applicable, whenever feasible.

54 (b) The special district board, in consultation with the county clerk, may consolidate two
 55 or more polling places to enable voters from more than one district to vote at one
 56 consolidated polling place.

57 (c)(i) Subject to Subsections (5)(h) and (i), the number of polling places under
 58 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall
 59 be one polling place per division of the district, designated by the district board.

60 (ii) Each polling place designated by an irrigation district board under Subsection
 61 (2)(c)(i) shall coincide with a polling place designated by the county clerk under
 62 Subsection (2)(a)(ii).

63 (3)(a) The clerk of each special district with a board member position to be filled at the
 64 next municipal general election or regular general election, as applicable, shall
 65 provide notice of:

- 66 (i) each elective position of the special district to be filled at the next municipal
67 general election or regular general election, as applicable;
- 68 (ii) the constitutional and statutory qualifications for each position; and
69 (iii) the dates and times for filing a declaration of candidacy.
- 70 (b) If the election is to be held at the same time as the municipal general election, a
71 declaration of candidacy shall be filed on the days specified in Subsection
72 20A-9-203(3)(a)(i).
- 73 (c) If the election is to be held at the same time as the regular general election, a
74 declaration of candidacy shall be filed by the deadline stated in Subsection
75 20A-9-201.5(2).
- 76 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a)
77 for the special district, as a class A notice under Section 63G-30-102, for at least 10 days
78 before the first day for filing a declaration of candidacy.
- 79 (5)(a) Except as provided in Subsection (5)(c), to become a candidate for an elective
80 special district board position, an individual shall file a declaration of candidacy in
81 person with an official designated by the special district within the candidate filing
82 period for the applicable election year in which the election for the special district
83 board is held and:
- 84 (i) during the special district's standard office hours, if the standard office hours
85 provide at least three consecutive office hours each day during the candidate filing
86 period that is not a holiday or weekend; or
- 87 (ii) if the standard office hours of a special district do not provide at least three
88 consecutive office hours each day, a three-hour consecutive time period each day
89 designated by the special district during the candidate filing period that is not a
90 holiday or weekend.
- 91 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing
92 time shall be extended until the close of normal office hours on the following regular
93 business day.
- 94 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
95 declaration of candidacy with the official designated by the special district if:
- 96 (i) the individual is located outside of the state during the entire filing period;
97 (ii) the designated agent appears in person before the official designated by the
98 special district; and
99 (iii) the individual communicates with the official designated by the special district

100 using an electronic device that allows the individual and official to see and hear
101 each other.

102 (d)(i) Before the filing officer may accept any declaration of candidacy from an
103 individual, the filing officer shall:

104 (A) read to the individual the constitutional and statutory qualification
105 requirements for the office that the individual is seeking; and

106 (B) require the individual to state whether the individual meets those requirements.

107 (ii) If the individual does not meet the qualification requirements for the office, the
108 filing officer may not accept the individual's declaration of candidacy.

109 (iii) If it appears that the individual meets the requirements of candidacy, the filing
110 officer shall accept the individual's declaration of candidacy.

111 (e) The declaration of candidacy shall be in substantially the following form:

112 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
113 _____, City of _____, County of _____, state of Utah,
114 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
115 for the office of board of trustees member for _____ (state the name of
116 the special district); that I am a candidate for that office to be voted upon at the next election;
117 and that, if filing via a designated agent, I will be out of the state of Utah during the entire
118 candidate filing period, and I hereby request that my name be printed upon the official ballot
119 for that election.

120 (Signed) _____

121 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
122 of _____, _____.

123 (Signed) _____

124 (Clerk or Notary Public)".

125 (f) An agent designated under Subsection (5)(c) may not sign the form described in
126 Subsection (5)(e).

127 (g) Each individual wishing to become a valid write-in candidate for an elective special
128 district board position is governed by Section 20A-9-601.

129 (h) If at least one individual does not file a declaration of candidacy as required by this
130 section, an individual shall be appointed to fill that board position in accordance with
131 the appointment provisions of Section 20A-1-512.

132 (i) If only one candidate files a declaration of candidacy and there is no write-in
133 candidate who complies with Section 20A-9-601, the board, in accordance with

- 134 Section 20A-1-206, may:
- 135 (i) consider the candidate to be elected to the position; and
- 136 (ii) cancel the election.
- 137 (6)(a) A primary election may be held if:
- 138 (i) the election is authorized by the special district board; and
- 139 (ii) the number of candidates for a particular local board position or office exceeds
- 140 twice the number of persons needed to fill that position or office.
- 141 (b) The primary election shall be conducted:
- 142 (i) on the same date as the municipal primary election or the regular primary election,
- 143 as applicable; and
- 144 (ii) according to the procedures for primary elections provided under Title 20A,
- 145 Election Code.
- 146 (7)(a) Except as provided in Subsection (7)(c), within one business day after the
- 147 deadline for filing a declaration of candidacy, the special district clerk shall certify
- 148 the candidate names to the clerk of each county in which the special district is located.
- 149 (b)(i) Except as provided in Subsection (7)(c) and in accordance with ~~[Section~~
- 150 ~~20A-6-305]~~ Sections 20A-6-109 and 20A-6-110, the clerk of each county in which
- 151 the special district is located and the special district clerk shall coordinate ~~[the]~~
- 152 placement of the name of each candidate for special district office in the
- 153 nonpartisan section of the ballot with the appropriate election officer.
- 154 (ii) If consolidation of the special district election ballot with the municipal general
- 155 election ballot or the regular general election ballot, as applicable, is not feasible,
- 156 the special district board of trustees, in consultation with the county clerk, shall
- 157 provide for a separate special district election ballot to be administered by poll
- 158 workers at polling places designated under Subsection (2).
- 159 (c)(i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
- 160 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 161 ~~[(ii)(A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district~~
- 162 ~~shall prescribe the form of the ballot for each board member election.]~~
- 163 ~~[(B) Each ballot for an election of an irrigation district board member shall be in~~
- 164 ~~a nonpartisan format.]~~
- 165 ~~[(C) The name of each candidate shall be placed on the ballot in the order~~
- 166 ~~specified under Section 20A-6-305.]~~
- 167 (ii) The board of an irrigation district shall:

- 168 (A) subject to Subsections (7)(c)(ii)(B) and (C), establish the form of the ballot for
169 a board member election;
- 170 (B) ensure that the ballot is in a nonpartisan format; and
171 (C) ensure that the name of each candidate is placed on the ballot in accordance
172 with Sections 20A-6-109 and 20A-6-110.
- 173 (8)(a) Each voter at an election for a board of trustees member of a special district shall:
174 (i) be a registered voter within the district, except for an election of:
175 (A) an irrigation district board of trustees member; or
176 (B) a basic special district board of trustees member who is elected by property
177 owners; and
178 (ii) meet the requirements to vote established by the district.
- 179 (b) Each voter may vote for as many candidates as there are offices to be filled.
180 (c) The candidates who receive the highest number of votes are elected.
- 181 (9) Except as otherwise provided by this section, the election of special district board
182 members is governed by Title 20A, Election Code.
- 183 (10)(a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
184 special district board shall serve a four-year term, beginning at noon on the January 1
185 after the person's election.
- 186 (b) A person elected shall be sworn in as soon as practical after January 1.
- 187 (11)(a) Except as provided in Subsection (11)(b), each special district shall reimburse
188 the county or municipality holding an election under this section for the costs of the
189 election attributable to that special district.
- 190 (b) Each irrigation district shall bear the district's own costs of each election the district
191 holds under this section.
- 192 (12) This section does not apply to an improvement district that provides electric or gas
193 service.
- 194 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
195 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 196 (14)(a) As used in this Subsection (14), "board" means:
197 (i) a special district board; or
198 (ii) the administrative control board of a special service district that has elected
199 members on the board.
- 200 (b) If a board desires to hold elections for membership on the board at a regular general
201 election instead of a municipal general election , or at a municipal general election

- 202 instead of a regular general election, the board may submit an application to the
203 lieutenant governor that:
- 204 (i) requests permission to change the election year for membership on the board in a
205 manner described in this Subsection (14)(b);
 - 206 (ii) indicates that a change in the election year is beneficial, based on potential cost
207 savings, a potential increase in voter turnout, or another material reason; and
 - 208 (iii) if a change in the election year may result in shortening a board member's term
209 of office, indicates that the members of the board unanimously support the
210 lieutenant governor taking that action.
- 211 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
212 governor may approve the if:
- 213 (i) the lieutenant governor concludes that changing the election year is beneficial
214 based on the criteria described in Subsection (14)(b)(ii); and
 - 215 (ii) for an application that may result in shortening a board member's term of office,
216 the application satisfies the unanimity requirement described in Subsection
217 (14)(b)(iii).
- 218 (d) If the lieutenant governor approves a board's application described in this section:
- 219 (i) all future elections for membership on the board shall be held at the time of the
220 general election specified in the application; and
 - 221 (ii) the board may not hold elections at the time of an election other than the general
222 election specified in the application, unless the board receives permission from the
223 lieutenant governor to change the election under the same procedure, and by
224 applying the same criteria, described in this Subsection (14).
- 225 (15)(a) This Subsection (15) applies to a special district if:
- 226 (i) the special district's board members are elected by the owners of real property, as
227 provided in Subsection 17B-1-1402(1)(b); and
 - 228 (ii) the special district was created before January 1, 2020.
- 229 (b) The board of a special district described in Subsection (15)(a) may conduct an
230 election:
- 231 (i) to fill a board member position that expires at the end of the term for that board
232 member's position; and
 - 233 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
234 term of a board member.
- 235 (c) An election under Subsection (15)(b) may be conducted as determined by the special

- 236 district board, subject to Subsection (15)(d).
- 237 (d)(i) The special district board shall provide to property owners eligible to vote at
238 the special district election:
- 239 (A) notice of the election; and
- 240 (B) a form to nominate an eligible individual to be elected as a board member.
- 241 (ii)(A) The special district board may establish a deadline for a property owner to
242 submit a nomination form.
- 243 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
244 after the board provides the notice and nomination form under Subsection
245 (15)(d)(i).
- 246 (iii)(A) After the deadline for submitting nomination forms, the special district
247 board shall provide a ballot to all property owners eligible to vote at the special
248 district election.
- 249 (B) A special district board shall allow at least five days for ballots to be returned.
- 250 (iv) A special district board shall certify the results of an election under this
251 Subsection (15) during an open meeting of the board.

252 Section 2. Section **20A-6-109** is enacted to read:

253 **20A-6-109 . Appearance of candidate's name on ballot -- Use of middle name or**
254 **nickname -- Appeal.**

- 255 (1) Except as otherwise provided in this section, an election officer shall ensure that a
256 candidate's name appears on the ballot with the candidate's legal first name, followed by
257 the candidate's legal surname.
- 258 (2) If two or more candidates for the same office have the same or similar first names and
259 surnames, the election officer may authorize the use of a legal middle name, or the first
260 initial of a legal middle name, to differentiate between the candidates.
- 261 (3) An election officer shall place a candidate's legal middle name on a ballot in place of the
262 candidate's legal first name if:
- 263 (a) the candidate normally uses the candidate's legal middle name instead of the
264 candidate's legal first name; and
- 265 (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy
266 period ends, the candidate files with the election officer:
- 267 (i) a request that the election officer place the candidate's legal middle name on the
268 ballot instead of the candidate's legal first name, specifying the candidate's legal
269 middle name;

- 270 (ii) an affidavit signed by the candidate in which the candidate states, under penalty
271 of perjury, that the candidate is generally known by acquaintances in the
272 candidate's county of residence by the legal middle name specified in the request
273 described in Subsection (3)(b)(i), and stated in the affidavit, instead of the
274 candidate's legal first name; and
- 275 (iii) an affidavit signed by five residents of the candidate's county of residence who
276 are not immediate family members of the candidate stating, under penalty of
277 perjury, that the candidate is generally known by acquaintances in the candidate's
278 county of residence by the legal middle name specified in the request described in
279 Subsection (3)(b)(i), and stated in the affidavit, instead of the candidate's legal
280 first name.
- 281 (4) In addition to a candidate's name appearing on a ballot as otherwise described in this
282 section, an election officer shall include on the ballot a nickname used by the candidate,
283 set off in quotation marks, if:
- 284 (a) the election officer determines that the nickname:
- 285 (i) does not imply that the candidate is an individual other than the candidate,
286 regardless of whether the individual is living or deceased;
- 287 (ii) does not constitute a slogan;
- 288 (iii) does not associate the candidate with an economic, religious, political, or other
289 group, issue, or opinion;
- 290 (iv) is not offensive, profane, or spurious; and
- 291 (v) is not a title, rank, degree, certification, job description, or similar designation; and
- 292 (b) no later than 5 p.m. on the day on which the applicable declaration of candidacy
293 period ends, the candidate files with the election officer:
- 294 (i) a request that the election officer include the candidate's nickname on the ballot,
295 specifying the desired nickname;
- 296 (ii) an affidavit signed by the candidate in which the candidate states, under penalty
297 of perjury, that the candidate:
- 298 (A) is generally known by acquaintances in the candidate's county of residence by
299 the nickname specified in the request described in Subsection (4)(b)(i) and
300 stated in the affidavit; and
- 301 (B) is not using the nickname to gain an advantage on the ballot; and
- 302 (iii) an affidavit signed by five residents of the candidate's county of residence who
303 are not immediate family members of the candidate stating, under penalty of

304 perjury, that the candidate is generally known by acquaintances in the candidate's
 305 county of residence by the nickname specified in the request described in
 306 Subsection (4)(b)(i) and stated in the affidavit.

307 (5)(a) An election officer may, without requiring compliance with Subsection (4):

308 (i) approve the use of a nickname instead of a legal first name, and without requiring
 309 the nickname to appear in quotes, if the nickname is a common derivative of the
 310 legal first name; or

311 (ii) approve the use of the first initial of a legal middle name between a legal first
 312 name and a legal last name.

313 (b) An election officer who, under Subsection (2), approves the use of a legal middle
 314 name instead of a legal first name may, without requiring compliance with
 315 Subsection (4):

316 (i) approve the use of a nickname instead of a legal middle name, and without
 317 requiring the nickname to appear in quotes, if the nickname is a common
 318 derivative of the legal middle name; or

319 (ii) approve the use of the first initial of a legal first name before a legal middle name.

320 (6)(a) An election officer shall approve or reject a request filed in accordance with
 321 Subsection (3)(b) or (4)(b) within five business days after the day on which the
 322 election officer receives the request.

323 (b) Failure by an election officer to timely comply with Subsection (6)(a) is considered a
 324 rejection of the request.

325 (c) If an election officer rejects a request to place a middle name on a ballot under
 326 Subsection (3), rejects a request to place a nickname on a ballot under Subsection (4),
 327 or fails to timely comply with Subsection (6)(a), the candidate may, within five days
 328 after the day of the rejection or, if the election officer fails to timely comply with
 329 Subsection (6)(a), within five days after the day of the deadline described in
 330 Subsection (6)(a), appeal the rejection to a court with jurisdiction.

331 (7) Regardless of whether an election officer approves the use of a middle name, a
 332 nickname, a common derivative nickname, or an initial under this section, the
 333 candidate's legal name will be used to determine the order of placement on the ballot
 334 under Section 20A-6-110.

335 Section 3. Section **20A-6-110**, which is renumbered from Section 20A-6-305 is renumbered
 336 and amended to read:

337 ~~[20A-6-305]~~ **20A-6-110 . Master ballot position list -- Random selection -- Procedures --**

338 **Publication -- Surname -- Exemptions -- Ballot order.**

- 339 (1) As used in this section, "master ballot position list" means an official list of the 26
340 characters in the alphabet listed in random order and numbered from one to 26 as
341 provided under Subsection (2).
- 342 (2) The lieutenant governor shall:
- 343 (a) within 30 days after the candidate filing deadline in each even-numbered year,
344 conduct a random selection to create a master ballot position list for all elections in
345 accordance with procedures established under Subsection (2)(c);
- 346 (b) publish the master ballot position list on the lieutenant governor's election website no
347 later than 15 days after creating the list; and
- 348 (c) establish written procedures for:
- 349 (i) the election official to use the master ballot position list; and
- 350 (ii) the lieutenant governor in:
- 351 (A) conducting the random selection in a fair manner; and
- 352 (B) providing a record of the random selection process used.
- 353 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
354 election officer shall use the master ballot position list for the current year to determine
355 the order in which to list candidates on the ballot for an election held during the year.
- 356 (4) To determine the order in which to list candidates on the ballot required under
357 Subsection (3), the election officer shall apply the randomized alphabet using:
- 358 (a) the candidate's surname;
- 359 (b) for candidates with a surname that has the same spelling[;] :
- 360 (i) the candidate's [given] first name; [and] or
- 361 (ii) the candidate's middle name, if the candidate qualifies, under Section 20A-6-109,
362 to place the candidate's middle name on the ballot instead of the candidate's first
363 name; and
- 364 (c) the surname of the president and the surname of the governor for an election for the
365 offices of president and vice president and governor and lieutenant governor.
- 366 (5) Subsections (1) through (4) do not apply to:
- 367 (a) an election for an office for which only one candidate is listed on the ballot; or
- 368 (b) a judicial retention election under Section 20A-12-201.
- 369 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
370 appear separately, in the following order:
- 371 (a) for federal office:

- 372 (i) president and vice president of the United States;
373 (ii) United States Senate office; and
374 (iii) United States House of Representatives office;
375 (b) for state office:
376 (i) governor and lieutenant governor;
377 (ii) attorney general;
378 (iii) state auditor;
379 (iv) state treasurer;
380 (v) state Senate office;
381 (vi) state House of Representatives office; and
382 (vii) State Board of Education member;
383 (c) for county office:
384 (i) county executive office;
385 (ii) county legislative body member;
386 (iii) county assessor;
387 (iv) county or district attorney;
388 (v) county auditor;
389 (vi) county clerk;
390 (vii) county recorder;
391 (viii) county sheriff;
392 (ix) county surveyor;
393 (x) county treasurer; and
394 (xi) local school board member;
395 (d) for municipal office:
396 (i) mayor; and
397 (ii) city or town council member;
398 (e) elected planning and service district council member;
399 (f) judicial retention questions; and
400 (g) ballot propositions not described in Subsection (6)(f).
401 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of
402 the earliest ballot ticket position that is reserved for an office that is subsumed in the
403 combined office.
404 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
405 (i) each candidate in accordance with Subsections (1) through (4); and

406 (ii) except as otherwise provided in this title, the party name, initials, or title
407 following each candidate's name.

408 Section 4. Section **20A-6-203** is amended to read:

409 **20A-6-203 . Ballots for regular primary elections.**

410 (1) The lieutenant governor, together with county clerks, suppliers of election materials,
411 and representatives of registered political parties, shall:

412 (a) develop ballots to be used in Utah's regular primary election;

413 (b) ensure that the ballots comply[~~generally~~], where applicable, with the requirements
414 of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, Section
415 20A-6-109, Section 20A-6-110, and this section; and

416 (c) provide voting booths, election records and supplies, ballot boxes, and as applicable,
417 voting devices, for each voting precinct as required by Section 20A-5-403.

418 (2)(a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
419 Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403,
420 20A-6-401, and 20A-6-401.1, the lieutenant governor, together with county clerks,
421 suppliers of election materials, and representatives of registered political parties shall
422 ensure that the ballots, voting booths, election records and supplies, and ballot boxes:

423 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
424 voters are authorized to vote for a party's candidate;

425 (ii) simplify the task of poll workers, particularly in determining a voter's party
426 affiliation;

427 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

428 (iv) protect against fraud.

429 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
430 county clerks, suppliers of election materials, and representatives of registered
431 political parties shall:

432 (i) mark ballots as being for a particular registered political party; and

433 (ii) instruct individuals counting the ballots to count only those votes for candidates
434 from the registered political party whose ballot the voter received.

435 Section 5. Section **20A-6-301** is amended to read:

436 **20A-6-301 . Manual ballots -- Regular general election.**

437 (1) Each election officer shall ensure that:

438 (a) all manual ballots furnished for use at the regular general election contain:

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

- 440 (ii) no symbols, markings, or other descriptions of a political party or group, except
441 for a registered political party that has chosen to nominate its candidates in
442 accordance with Section 20A-9-403; and
- 443 (iii) no indication that a candidate for elective office has been nominated by, or has
444 been endorsed by, or is in any way affiliated with a political party or group, unless
445 the candidate has been nominated by a registered political party in accordance
446 with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);
- 447 (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:
- 448 (i) "Official Ballot for ____ County, Utah";
- 449 (ii) the date of the election; and
- 450 (iii) the words "certified by the Clerk of _____ County" or, as applicable, the
451 name of a combined office that includes the duties of a county clerk;
- 452 (c) unaffiliated candidates, candidates not affiliated with a registered political party, and
453 all other candidates for elective office who were not nominated by a registered
454 political party in accordance with Subsection 20A-9-202(4) or Subsection
455 20A-9-403(5), are listed with the other candidates for the same office in accordance
456 with [~~Section 20A-6-305~~] Sections 20A-6-109 and 20A-6-110, without a party name
457 or title;
- 458 (d) each ticket containing the lists of candidates, including the party name and device,
459 are separated by heavy parallel lines;
- 460 (e) the offices to be filled are plainly printed immediately above the names of the
461 candidates for those offices;
- 462 (f) the names of candidates are printed in capital letters, not less than one-eighth nor
463 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,
464 between lines or rules three-eighths of an inch apart; and
- 465 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in
466 which a write-in candidate is qualified under Section 20A-9-601:
- 467 (i) the ballot includes a space for a write-in candidate immediately following the last
468 candidate listed on that ticket; or
- 469 (ii) for the offices of president and vice president and governor and lieutenant
470 governor, the ballot includes two spaces for write-in candidates immediately
471 following the last candidates on that ticket, one placed above the other, to enable
472 the entry of two valid write-in candidates.
- 473 (2) An election officer shall ensure that:

- 474 (a) each individual nominated by any registered political party under Subsection
475 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the
476 ballot:
- 477 (i) under the registered political party's name, if any; or
478 (ii) under the title of the registered political party as designated by them in their
479 certificates of nomination or petition, or, if none is designated, then under some
480 suitable title;
- 481 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5,
482 Candidates not Affiliated with a Party, are placed on the ballot;
- 483 (c) the names of the candidates for president and vice president are used on the ballot
484 instead of the names of the presidential electors; and
- 485 (d) the ballots contain no other names.
- 486 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- 487 (a) the designation of the office to be filled in the election and the number of candidates
488 to be elected are printed in type not smaller than eight point;
- 489 (b) the words designating the office are printed flush with the left-hand margin;
- 490 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
491 which the voter may vote)" extend to the extreme right of the column;
- 492 (d) the nonpartisan candidates are grouped according to the office for which they are
493 candidates;
- 494 (e) the names in each group are placed in [~~the order specified under Section 20A-6-305]~~
495 accordance with Sections 20A-6-109 and 20A-6-110, with the surnames last; and
- 496 (f) each group is preceded by the designation of the office for which the candidates seek
497 election, and the words, "Vote for one" or "Vote for up to ____ (the number of
498 candidates for which the voter may vote)," according to the number to be elected.
- 499 (4) Each election officer shall ensure that:
- 500 (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance
501 with Section 20A-6-107;
- 502 (b) ballot propositions submitted to the voters are listed on the ballot in accordance with
503 Section 20A-6-107;
- 504 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
505 title assigned to each bond proposition under Section 11-14-206; and
- 506 (d) the judicial retention section of the ballot includes a statement at the beginning
507 directing voters to the Judicial Performance Evaluation Commission's website in

508 accordance with Subsection 20A-12-201(4).

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

510 **20A-6-302 . Manual ballots -- Placement of candidates' names.**

511 (1) An election officer shall ensure, for manual ballots in regular general elections, that:

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

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

516 (c) the names of candidates are placed on the ballot in:

517 (i) the manner described in Section 20A-6-109; and

518 (ii) the order [specified under Section 20A-6-305] described in Section 20A-6-110.

519 (2)(a) When there is only one candidate for county attorney at the regular general

520 election in counties that have three or fewer registered voters of the county who are

521 licensed active members in good standing of the Utah State Bar, the county clerk

522 shall cause that candidate's name and party affiliation, if any, to be placed on a

523 separate section of the ballot with the following question: "Shall (name of candidate)

524 be elected to the office of county attorney? Yes ____ No ____."

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

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

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

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

536 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
537 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a)
538 to the two consecutive terms immediately preceding the term for which the candidate
539 is seeking election, Subsection (2)(a) does not apply and that candidate shall be
540 considered to be an unopposed candidate the same as any other unopposed candidate
541 for another office, unless a petition is filed with the county clerk before 5 p.m. no

- 542 later than one day before that year's primary election that:
- 543 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
- 544 (ii) contains the signatures of registered voters in the county representing in number
- 545 at least 25% of all votes cast in the county for all candidates for governor at the
- 546 last election at which a governor was elected.
- 547 (3)(a) When there is only one candidate for district attorney at the regular general
- 548 election in a prosecution district that has three or fewer registered voters of the
- 549 district who are licensed active members in good standing of the Utah State Bar, the
- 550 county clerk shall cause that candidate's name and party affiliation, if any, to be
- 551 placed on a separate section of the ballot with the following question: "Shall (name of
- 552 candidate) be elected to the office of district attorney? Yes ____ No ____."
- 553 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
- 554 elected to the office of district attorney.
- 555 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
- 556 elected and may not take office, nor may the candidate continue in the office past the
- 557 end of the term resulting from any prior election or appointment.
- 558 (d) When the name of only one candidate for district attorney is printed on the ballot
- 559 under authority of this Subsection (3), the county clerk may not count any write-in
- 560 votes received for the office of district attorney.
- 561 (e) If no qualified individual files for the office of district attorney, or if the only
- 562 candidate is not elected by the voters under this subsection, the county legislative
- 563 body shall appoint a new district attorney for a four-year term as provided in Section
- 564 20A-1-509.2.
- 565 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
- 566 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a)
- 567 to the two consecutive terms immediately preceding the term for which the candidate
- 568 is seeking election, Subsection (3)(a) does not apply and that candidate shall be
- 569 considered to be an unopposed candidate the same as any other unopposed candidate
- 570 for another office, unless a petition is filed with the county clerk before 5 p.m. no
- 571 later than one day before that year's primary election that:
- 572 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 573 (ii) contains the signatures of registered voters in the county representing in number
- 574 at least 25% of all votes cast in the county for all candidates for governor at the
- 575 last election at which a governor was elected.

576 Section 7. Section **20A-6-401** is amended to read:

577 **20A-6-401 . Ballots for municipal primary elections.**

578 (1) Each election officer shall ensure that:

579 (a) the following endorsements are printed in 18 point bold type:

580 (i) "Official Primary Ballot for ____ (City or Town), Utah";

581 (ii) the date of the election; and

582 (iii) a facsimile of the signature of the election officer and the election officer's title in
583 eight point type;

584 (b) immediately below the election officer's title, two one-point parallel horizontal rules
585 separate endorsements from the rest of the ballot;

586 (c) immediately below the horizontal rules, an "Instructions to Voters" section is printed
587 in 10 point bold type that states: "To vote for a candidate, mark the space adjacent to
588 the name(s) of the person(s) you favor as the candidate(s) for each respective office."
589 followed by two one-point parallel rules;

590 (d) after the rules, the designation of the office for which the candidates seek nomination
591 is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
592 candidates for which the voter may vote)" are printed in 10-point bold type, followed
593 by a hair-line rule;

594 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
595 between lines or rules three-eighths inch apart, in [~~the order specified under Section~~
596 ~~20A-6-305~~] accordance with Sections 20A-6-109 and 20A-6-110, with surnames last
597 and grouped according to the office that [~~they~~] the candidates seek;

598 (f) a square with sides not less than one-fourth inch long is printed immediately adjacent
599 to the names of the candidates; and

600 (g) the candidate groups are separated from each other by one light and one heavy line
601 or rule.

602 (2) A municipal primary ballot may not contain any space for write-in votes.

603 Section 8. Section **20A-6-401.1** is amended to read:

604 **20A-6-401.1 . Ballots for partisan municipal primary elections.**

605 (1) An election officer shall ensure that:

606 (a) all manual ballots furnished for use at the regular primary election:

607 (i) separate the candidates of one political party from those of the other political
608 parties; and

609 (ii) contain no captions or other endorsements except as provided in this section;

- 610 (b) the names of all candidates from each party are listed on the same ballot in one or
611 more columns under their party name and emblem;
- 612 (c) the political parties are printed on the ballot in the order specified under Section [
613 ~~20A-6-305~~] 20A-6-110;
- 614 (d) the following endorsements are printed in 18-point bold type:
- 615 (i) "Official Primary Ballot for ____ (name of municipality), Utah";
- 616 (ii) the date of the election; and
- 617 (iii) a facsimile of the signature of the election officer and the election officer's title in
618 eight point type;
- 619 (e) after the facsimile signature, the political party emblem and the name of the political
620 party are printed;
- 621 (f) after the party name and emblem, the ballot contains the following printed in not
622 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote
623 for a candidate, mark the space following the name of the person for whom you wish
624 to vote and in no other place. Do not vote for any candidate listed under more than
625 one party or group designation.", followed by two one-point parallel horizontal rules;
- 626 (g) after the rules, the designation of the office for which the candidates seek nomination
627 is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for
628 up to ____ (the number of candidates for which the voter may vote)" are printed to
629 extend to the extreme right of the column in 10-point bold type, followed by a
630 hair-line rule;
- 631 (h) after the hair-line rule, the names of the candidates are printed in heavy face type
632 between lines or rules three-eighths inch apart, in [~~the order specified under Section~~
633 ~~20A-6-305~~] accordance with Sections 20A-6-109 and 20A-6-110, with surnames last
634 and grouped according to the office that they seek;
- 635 (i) a square with sides not less than one-fourth inch long is printed immediately adjacent
636 to the names of the candidates;
- 637 (j) the candidate groups are separated from each other by one light and one heavy line or
638 rule; and
- 639 (k) the nonpartisan candidates are listed as follows:
- 640 (i) immediately below the listing of the party candidates, the word
641 "NONPARTISAN" is printed in reverse type in an 18 point solid rule that extends
642 the full width of the type copy of the party listing above; and
- 643 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the

644 candidate's name, the voting square, and any other necessary information is
645 printed in the same style and manner as for party candidates.

646 (2) For mechanical ballots, the election officer may require that:

647 (a) the ballot for a regular primary election consist of several groups of pages or display
648 screens, so that a separate group can be used to list the names of candidates seeking
649 nomination of each qualified political party, with additional groups used to list
650 candidates for other nonpartisan offices;

651 (b) the separate groups of pages or display screens are identified by color or other
652 suitable means; and

653 (c) the ballot contains instructions that direct the voter how to vote the ballot.

654 Section 9. Section **20A-6-402** is amended to read:

655 **20A-6-402 . Ballots for municipal general elections.**

656 (1) Except as otherwise required for a race conducted by instant runoff voting under Title
657 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual
658 ballot at a municipal general election, an election officer shall ensure that:

659 (a) the names of the two candidates who received the highest number of votes for mayor
660 in the municipal primary are placed upon the ballot;

661 (b) if no municipal primary election was held, the names of the candidates who filed
662 declarations of candidacy for municipal offices are placed upon the ballot;

663 (c) for other offices:

664 (i) twice the number of candidates as there are positions to be filled are certified as
665 eligible for election in the municipal general election from those candidates who
666 received the greater number of votes in the primary election; and

667 (ii) the names of those candidates are placed upon the municipal general election
668 ballot;

669 (d) the names of the candidates are placed on the ballot in [~~the order specified under~~
670 ~~Section 20A-6-305~~] accordance with Sections 20A-6-109 and 20A-6-110;

671 (e) in an election in which a voter is authorized to cast a write-in vote and where a
672 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed
673 upon the ballot that contains, for each office in which there is a qualified write-in
674 candidate:

675 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

676 (ii) a square or other conforming area that is adjacent to or opposite the blank
677 horizontal line to enable the voter to indicate the voter's vote;

- 678 (f) ballot propositions that have qualified for the ballot, including propositions submitted
 679 to the voters by the municipality, municipal initiatives, and municipal referenda, are
 680 listed on the ballot in accordance with Section 20A-6-107; and
- 681 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
 682 title assigned to each bond proposition under Section 11-14-206.
- 683 (2) Except as otherwise required for a race conducted by instant runoff voting under Title
 684 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a
 685 mechanical ballot at municipal general elections, each election officer shall ensure that:
- 686 (a) the following endorsements are displayed on the first portion of the ballot:
- 687 (i) "Official Ballot for ____ (City or Town), Utah";
- 688 (ii) the date of the election; and
- 689 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 690 (b) immediately below the election officer's title, a distinct border or line separates the
 691 endorsements from the rest of the ballot;
- 692 (c) immediately below the border or line, an "Instructions to Voters" section is displayed
 693 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
 694 the candidate(s) for each respective office." followed by another border or line;
- 695 (d) after the border or line, the designation of the office for which the candidates seek
 696 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the
 697 number of candidates for which the voter may vote)" are displayed, followed by a
 698 line or border;
- 699 (e) after the line or border, the names of the candidates are displayed in [~~the order~~
 700 ~~specified under Section 20A-6-305]~~ accordance with Sections 20A-6-109 and
 701 20A-6-110, with surnames last and grouped according to the office that [~~they~~] the
 702 candidates seek;
- 703 (f) a voting square or position is located adjacent to the name of each candidate;
- 704 (g) following the name of the last candidate for each office in which a write-in candidate
 705 is qualified under Section 20A-9-601, the ballot contains a write-in space where the
 706 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 707 (h) the candidate groups are separated from each other by a line or border.
- 708 (3) When a municipality has chosen to nominate candidates by convention or committee,
 709 the election officer shall ensure that the party name is included with the candidate's
 710 name on the ballot.
- 711 Section 10. Section **20A-9-201** is amended to read:

712 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**
713 **of more than one political party prohibited with exceptions -- General filing and form**
714 **requirements -- Affidavit of impecuniosity.**

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

716 (a) be a United States citizen;

717 (b) meet the legal requirements of that office; and

718 (c) if seeking a registered political party's nomination as a candidate for elective office,
719 state:

720 (i) the registered political party of which the individual is a member; or

721 (ii) that the individual is not a member of a registered political party.

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

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

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

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

729 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,
730 president or vice president of the United States and another office, if the
731 individual resigns the individual's candidacy for the other office after the
732 individual is officially nominated for president or vice president of the United
733 States.

734 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
735 than one justice court judge office.

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

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

743 (i) read to the individual the constitutional and statutory qualification requirements
744 for the office that the individual is seeking;

745 (ii) require the individual to state whether the individual meets the requirements

- 746 described in Subsection (3)(a)(i);
- 747 (iii) if the declaration of candidacy is for a county office, inform the individual that
- 748 an individual who holds a county elected office may not, at the same time, hold a
- 749 municipal elected office; and
- 750 (iv) if the declaration of candidacy is for a legislative office, inform the individual
- 751 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
- 752 public office of profit or trust, under authority of the United States or Utah, from
- 753 being a member of the Legislature.
- 754 (b) Before accepting a declaration of candidacy for the office of county attorney, the
- 755 county clerk shall ensure that the individual filing that declaration of candidacy is:
- 756 (i) a United States citizen;
- 757 (ii) an attorney licensed to practice law in the state who is an active member in good
- 758 standing of the Utah State Bar;
- 759 (iii) a registered voter in the county in which the individual is seeking office; and
- 760 (iv) a current resident of the county in which the individual is seeking office and
- 761 either has been a resident of that county for at least one year before the date of the
- 762 election or was appointed and is currently serving as county attorney and became
- 763 a resident of the county within 30 days after appointment to the office.
- 764 (c) Before accepting a declaration of candidacy for the office of district attorney, the
- 765 county clerk shall ensure that, as of the date of the election, the individual filing that
- 766 declaration of candidacy is:
- 767 (i) a United States citizen;
- 768 (ii) an attorney licensed to practice law in the state who is an active member in good
- 769 standing of the Utah State Bar;
- 770 (iii) a registered voter in the prosecution district in which the individual is seeking
- 771 office; and
- 772 (iv) a current resident of the prosecution district in which the individual is seeking
- 773 office and either will have been a resident of that prosecution district for at least
- 774 one year before the date of the election or was appointed and is currently serving
- 775 as district attorney and became a resident of the prosecution district within 30
- 776 days after receiving appointment to the office.
- 777 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
- 778 county clerk shall ensure that the individual filing the declaration:
- 779 (i) is a United States citizen;

- 780 (ii) is a registered voter in the county in which the individual seeks office;
- 781 (iii)(A) has successfully met the standards and training requirements established
- 782 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
- 783 Training and Certification Act; or
- 784 (B) has met the waiver requirements in Section 53-6-206;
- 785 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
- 786 53-13-103; and
- 787 (v) before the date of the election, will have been a resident of the county in which
- 788 the individual seeks office for at least one year.
- 789 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
- 790 governor, state auditor, state treasurer, attorney general, state legislator, or State
- 791 Board of Education member, the filing officer shall ensure that the individual filing
- 792 the declaration of candidacy also makes the conflict of interest disclosure described
- 793 in Section 20A-11-1603.
- 794 (4) If an individual who files a declaration of candidacy does not meet the qualification
- 795 requirements for the office the individual is seeking, the filing officer may not accept the
- 796 individual's declaration of candidacy.
- 797 (5) If an individual who files a declaration of candidacy meets the requirements described
- 798 in Subsection (3), the filing officer shall:
- 799 (a) inform the individual that:
- 800 (i) subject to Section 20A-6-109, the individual's name will appear on the ballot as
- 801 the individual's name is written on the individual's declaration of candidacy;
- 802 (ii) the individual may be required to comply with state or local campaign finance
- 803 disclosure laws; and
- 804 (iii) the individual is required to file a financial statement before the individual's
- 805 political convention under:
- 806 (A) Section 20A-11-204 for a candidate for constitutional office;
- 807 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 808 (C) local campaign finance disclosure laws, if applicable;
- 809 (b) except for a presidential candidate, provide the individual with a copy of the current
- 810 campaign financial disclosure laws for the office the individual is seeking and inform
- 811 the individual that failure to comply will result in disqualification as a candidate and
- 812 removal of the individual's name from the ballot;
- 813 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the

814 Statewide Electronic Voter Information Website Program and inform the
815 individual of the submission deadline under Subsection 20A-7-801(4)(a);
816 (ii) inform the individual that the individual must provide the filing officer with an
817 email address that the individual actively monitors:
818 (A) to receive a communication from a filing officer or an election officer; and
819 (B) if the individual wishes to display a candidate profile on the Statewide
820 Electronic Voter Information Website, to submit to the website the
821 biographical and other information described in Subsection 20A-7-801
822 (4)(a)(ii);
823 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
824 not a record under Title 63G, Chapter 2, Government Records Access and
825 Management Act; and
826 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
827 (d) provide the candidate with a copy of the pledge of fair campaign practices described
828 under Section 20A-9-206 and inform the candidate that:
829 (i) signing the pledge is voluntary; and
830 (ii) signed pledges shall be filed with the filing officer;
831 (e) accept the individual's declaration of candidacy; and
832 (f) if the individual has filed for a partisan office, provide a certified copy of the
833 declaration of candidacy to the chair of the county or state political party of which the
834 individual is a member.
835 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
836 shall:
837 (a) accept the candidate's pledge; and
838 (b) if the candidate has filed for a partisan office, provide a certified copy of the
839 candidate's pledge to the chair of the county or state political party of which the
840 candidate is a member.
841 (7)(a) Except for a candidate for president or vice president of the United States, the
842 form of the declaration of candidacy shall:
843 (i) be substantially as follows:
844 "State of Utah, County of ____
845 I, _____, declare my candidacy for the office of _____, seeking the
846 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet
847 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at

848 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 849 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
 850 I will be out of the state of Utah during the entire candidate filing period; I will file all
 851 campaign financial disclosure reports as required by law; and I understand that failure to do so
 852 will result in my disqualification as a candidate for this office and removal of my name from
 853 the ballot. The mailing address that I designate for receiving official election notices is
 854 _____.

855 _____
 856 Subscribed and sworn before me this _____(month\day\year).
 857 _____ Notary Public (or other officer qualified to administer oath)."; and

858 (ii) require the candidate to state, in the sworn statement described in Subsection
 859 (7)(a)(i):

- 860 (A) the registered political party of which the candidate is a member; or
- 861 (B) that the candidate is not a member of a registered political party.

862 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
 863 candidacy may not sign the form described in Subsection (7)(a) or Section
 864 20A-9-408.5.

865 (8)(a) Except for a candidate for president or vice president of the United States, the fee
 866 for filing a declaration of candidacy is:

- 867 (i) \$50 for candidates for the local school district board; and
- 868 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
 869 person holding the office for all other federal, state, and county offices.

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

- 872 (i) who is disqualified; or
- 873 (ii) who the filing officer determines has filed improperly.

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

876 (ii) The lieutenant governor shall:

- 877 (A) apportion to and pay to the county treasurers of the various counties all fees
 878 received for filing of nomination certificates or acceptances; and
- 879 (B) ensure that each county receives that proportion of the total amount paid to the
 880 lieutenant governor from the congressional district that the total vote of that
 881 county for all candidates for representative in Congress bears to the total vote

882 of all counties within the congressional district for all candidates for
883 representative in Congress.

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

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

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

894 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
895 considered an offense under this title for the purposes of assessing the penalties
896 provided in Subsection 20A-1-609(2).

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

899 "Affidavit of Impecuniosity

900 Individual Name

901 _____ Address _____

902 Phone Number _____

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

906 Date _____

907 Signature _____ Affiant

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

909 _____
910 (signature)

911 Name and Title of Officer Authorized to Administer Oath _____".

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

915 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a

916 candidate who is found guilty of filing a false statement, in addition to being subject to
917 criminal penalties, will be removed from the ballot."

918 (vi) The filing officer may request that a person who makes a claim of impecuniosity
919 under this Subsection (8)(d) file a financial statement on a form prepared by the
920 election official.

921 (9) An individual who fails to file a declaration of candidacy or certificate of nomination
922 within the time provided in this chapter is ineligible for nomination to office.

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

925 Section 11. Section **20A-9-203** is amended to read:

926 **20A-9-203 . Declarations of candidacy -- Municipal general elections --**

927 **Nomination petition -- Removal of signature.**

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

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

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

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

936 (2)(a) For purposes of determining whether an individual meets the residency
937 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than
938 12 months before the election, the municipality is considered to have been
939 incorporated 12 months before the date of the election.

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

943 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
944 individual, an individual convicted of a felony, or an individual convicted of treason
945 or a crime against the elective franchise may not hold office in this state until the
946 right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

947 (3)(a) An individual seeking to become a candidate for a municipal office shall,
948 regardless of the nomination method by which the individual is seeking to become a
949 candidate:

- 950 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
951 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
952 declaration of candidacy, in person with the city recorder or town clerk, during the
953 office hours described in Section 10-3-301 and not later than the close of those
954 office hours, between June 1 and June 7 of any odd-numbered year; and
955 (ii) pay the filing fee, if one is required by municipal ordinance.
- 956 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
957 declaration of candidacy with the city recorder or town clerk if:
958 (i) the individual is located outside of the state during the entire filing period;
959 (ii) the designated agent appears in person before the city recorder or town clerk;
960 (iii) the individual communicates with the city recorder or town clerk using an
961 electronic device that allows the individual and city recorder or town clerk to see
962 and hear each other; and
963 (iv) the individual provides the city recorder or town clerk with an email address to
964 which the city recorder or town clerk may send the individual the copies described
965 in Subsection (4).
- 966 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
967 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
968 Project, filing a nomination petition with the city recorder or town clerk during the
969 office hours described in Section 10-3-301 and not later than the close of those
970 office hours, between June 1 and June 7 of any odd-numbered year that includes
971 signatures in support of the nomination petition of the lesser of at least:
972 (A) 25 registered voters who reside in the municipality; or
973 (B) 20% of the registered voters who reside in the municipality; and
974 (ii) paying the filing fee, if one is required by municipal ordinance.
- 975 (4)(a) Before the filing officer may accept any declaration of candidacy or nomination
976 petition, the filing officer shall:
977 (i) read to the prospective candidate or individual filing the petition the constitutional
978 and statutory qualification requirements for the office that the candidate is seeking;
979 (ii) require the candidate or individual filing the petition to state whether the
980 candidate meets the requirements described in Subsection (4)(a)(i); and
981 (iii) inform the candidate or the individual filing the petition that an individual who
982 holds a municipal elected office may not, at the same time, hold a county elected
983 office.

- 984 (b) If the prospective candidate does not meet the qualification requirements for the
985 office, the filing officer may not accept the declaration of candidacy or nomination
986 petition.
- 987 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
988 filing officer shall:
- 989 (i) inform the candidate that, subject to Section 20A-6-109, the candidate's name will
990 appear on the ballot as it is written on the declaration of candidacy;
- 991 (ii) provide the candidate with a copy of the current campaign financial disclosure
992 laws for the office the candidate is seeking and inform the candidate that failure to
993 comply will result in disqualification as a candidate and removal of the candidate's
994 name from the ballot;
- 995 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
996 Electronic Voter Information Website Program and inform the candidate of the
997 submission deadline under Subsection 20A-7-801(4)(a);
- 998 (iv) inform the candidate that the candidate must provide the filing officer with an
999 email address that the candidate actively monitors:
- 1000 (A) to receive a communication from a filing officer or an election officer; and
1001 (B) if the candidate wishes to display a candidate profile on the Statewide
1002 Electronic Voter Information Website, to submit to the website the
1003 biographical and other information described in Subsection 20A-7-801
1004 (4)(a)(ii);
- 1005 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
1006 not a record under Title 63G, Chapter 2, Government Records Access and
1007 Management Act;
- 1008 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
- 1009 (vii) provide the candidate with a copy of the pledge of fair campaign practices
1010 described under Section 20A-9-206 and inform the candidate that:
- 1011 (A) signing the pledge is voluntary; and
1012 (B) signed pledges shall be filed with the filing officer; and
- 1013 (viii) accept the declaration of candidacy or nomination petition.
- 1014 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
1015 shall:
- 1016 (i) accept the candidate's pledge; and
1017 (ii) if the candidate has filed for a partisan office, provide a certified copy of the

1018 candidate's pledge to the chair of the county or state political party of which the
1019 candidate is a member.

1020 (5)(a) The declaration of candidacy shall be in substantially the following form:

1021 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
1022 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number
1023 (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____
1024 (stating the term). I will meet the legal qualifications required of candidates for this office. If
1025 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
1026 candidate filing period. I will file all campaign financial disclosure reports as required by law
1027 and I understand that failure to do so will result in my disqualification as a candidate for this
1028 office and removal of my name from the ballot. I request that my name be printed upon the
1029 applicable official ballots. (Signed) _____

1030 Subscribed and sworn to (or affirmed) before me by _____ on this
1031 _____(month\day\year).

1032 (Signed) _____ (Clerk or other officer qualified to administer oath)."

1033 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
1034 not sign the form described in Subsection (5)(a).

1035 (c)(i) A nomination petition shall be in substantially the following form:

1036 "NOMINATION PETITION

1037 The undersigned residents of (name of municipality), being registered voters, nominate
1038 (name of nominee) for the office of (name of office) for the (length of term of office)."

1039 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1040 individuals signing the petition and each individual's address and phone number.

1041 (6) If the declaration of candidacy or nomination petition fails to state whether the
1042 nomination is for the two-year or four-year term, the clerk shall consider the nomination
1043 to be for the four-year term.

1044 (7)(a)(i) The clerk shall verify with the county clerk that all candidates are
1045 registered voters.

1046 (b) With the assistance of the county clerk, and using the procedures described in
1047 Section 20A-1-1002, the municipal clerk shall determine whether the required
1048 number of signatures of registered voters appears on a nomination petition.

1049 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk
1050 shall:

1051 (a) publicize a list of the names of the candidates as they will appear on the ballot by

- 1052 publishing the list for the municipality, as a class A notice under Section 63G-30-102,
1053 for seven days; and
- 1054 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1055 the ballot.
- 1056 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of
1057 candidacy or nomination petition filed under this section after the candidate filing period
1058 ends.
- 1059 (10)(a) A declaration of candidacy or nomination petition that an individual files under
1060 this section is valid unless a person files a written objection with the clerk before 5
1061 p.m. within 10 days after the last day for filing.
- 1062 (b) If a person files an objection, the clerk shall:
- 1063 (i) mail or personally deliver notice of the objection to the affected candidate
1064 immediately; and
- 1065 (ii) decide any objection within 48 hours after the objection is filed.
- 1066 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days
1067 after the day on which the clerk sustains the objection, correct the problem for which
1068 the objection is sustained by amending the candidate's declaration of candidacy or
1069 nomination petition, or by filing a new declaration of candidacy.
- 1070 (d)(i) The clerk's decision upon objections to form is final.
- 1071 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1072 prompt application is made to the district court.
- 1073 (iii) The decision of the district court is final unless the Supreme Court, in the
1074 exercise of its discretion, agrees to review the lower court decision.
- 1075 (11) A candidate who qualifies for the ballot under this section may withdraw as a
1076 candidate by filing a written affidavit with the municipal clerk.
- 1077 (12)(a) A voter who signs a nomination petition under this section may have the voter's
1078 signature removed from the petition by, no later than three business days after the day
1079 on which the petition is filed with the city recorder or municipal clerk, submitting to
1080 the municipal clerk a statement requesting that the voter's signature be removed.
- 1081 (b) A statement described in Subsection (12)(a) shall comply with the requirements
1082 described in Subsection 20A-1-1003(2).
- 1083 (c) With the assistance of the county clerk and using the procedures described in
1084 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
1085 individual's signature from a petition after receiving a timely, valid statement

1086 requesting removal of the signature.

1087 Section 12. Section **20A-9-403** is amended to read:

1088 **20A-9-403 . Regular primary elections.**

1089 (1)(a) Candidates for elective office that are to be filled at the next regular general
1090 election shall be nominated in a regular primary election by direct vote of the people
1091 in the manner prescribed in this section. The regular primary election is held on the
1092 date specified in Section 20A-1-201.5. Nothing in this section shall affect a
1093 candidate's ability to qualify for a regular general election's ballot as an unaffiliated
1094 candidate under Section 20A-9-501 or to participate in a regular general election as a
1095 write-in candidate under Section 20A-9-601.

1096 (b) Each registered political party that chooses to have the names of the registered
1097 political party's candidates for elective office featured with party affiliation on the
1098 ballot at a regular general election shall comply with the requirements of this section
1099 and shall nominate the registered political party's candidates for elective office in the
1100 manner described in this section.

1101 (c) A filing officer may not permit an official ballot at a regular general election to be
1102 produced or used if the ballot denotes affiliation between a registered political party
1103 or any other political group and a candidate for elective office who is not nominated
1104 in the manner prescribed in this section or in Subsection 20A-9-202(4).

1105 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1106 even-numbered year in which a regular general election will be held.

1107 (2)(a) Each registered political party, in a statement filed with the lieutenant governor,
1108 shall:

1109 (i) either declare the registered political party's intent to participate in the next regular
1110 primary election or declare that the registered political party chooses not to have
1111 the names of the registered political party's candidates for elective office featured
1112 on the ballot at the next regular general election; and

1113 (ii) if the registered political party participates in the upcoming regular primary
1114 election, identify one or more registered political parties whose members may
1115 vote for the registered political party's candidates and whether individuals
1116 identified as unaffiliated with a political party may vote for the registered political
1117 party's candidates.

1118 (b)(i) A registered political party that is a continuing political party shall file the
1119 statement described in Subsection (2)(a) with the lieutenant governor no later than

- 1120 5 p.m. on November 30 of each odd-numbered year.
- 1121 (ii) An organization that is seeking to become a registered political party under
1122 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
1123 time that the registered political party files the petition described in Section
1124 20A-8-103.
- 1125 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration
1126 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
1127 on the regular primary ballot of the registered political party listed on the declaration
1128 of candidacy only if the individual is certified by the appropriate filing officer as
1129 having submitted a nomination petition that was:
- 1130 (i) circulated and completed in accordance with Section 20A-9-405; and
1131 (ii) signed by at least 2% of the registered political party's members who reside in the
1132 political division of the office that the individual seeks.
- 1133 (b)(i) A candidate for elective office shall submit signatures for a nomination
1134 petition to the appropriate filing officer for verification and certification no later
1135 than 5 p.m. on the final day in March.
- 1136 (ii) A candidate may supplement the candidate's submissions at any time on or before
1137 the filing deadline.
- 1138 (c)(i) The lieutenant governor shall determine for each elective office the total
1139 number of signatures that must be submitted under Subsection (3)(a)(ii) or
1140 20A-9-408(8) by counting the aggregate number of individuals residing in each
1141 elective office's political division who have designated a particular registered
1142 political party on the individuals' voter registration forms on or before November
1143 15 of each odd-numbered year.
- 1144 (ii) The lieutenant governor shall publish the determination for each elective office
1145 no later than November 30 of each odd-numbered year.
- 1146 (d) The filing officer shall:
- 1147 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
1148 nomination petitions in a transparent and orderly manner, no later than 14 days
1149 after the day on which a candidate submits the signatures to the filing officer;
- 1150 (ii) for all qualifying candidates for elective office who submit nomination petitions
1151 to the filing officer, issue certifications referenced in Subsection (3)(a) no later
1152 than the deadline described in Subsection 20A-9-202(1)(b);
- 1153 (iii) consider active and inactive voters eligible to sign nomination petitions;

- 1154 (iv) consider an individual who signs a nomination petition a member of a registered
1155 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
1156 that registered political party as the individual's party membership on the
1157 individual's voter registration form; and
- 1158 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
1159 the county clerk as applicable, use the procedures described in Section 20A-1-1002
1160 to verify submitted nomination petition signatures, or use statistical sampling
1161 procedures to verify submitted nomination petition signatures in accordance with
1162 rules made under Subsection (3)(f).
- 1163 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
1164 governor may appear on the regular primary ballot of a registered political party
1165 without submitting nomination petitions if the candidate files a declaration of
1166 candidacy and complies with Subsection 20A-9-202(3).
- 1167 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1168 director of elections, within the Office of the Lieutenant Governor, may make rules
1169 that:
- 1170 (i) provide for the use of statistical sampling procedures that:
- 1171 (A) filing officers are required to use to verify signatures under Subsection (3)(d);
1172 and
- 1173 (B) reflect a bona fide effort to determine the validity of a candidate's entire
1174 submission, using widely recognized statistical sampling techniques; and
- 1175 (ii) provide for the transparent, orderly, and timely submission, verification, and
1176 certification of nomination petition signatures.
- 1177 (g) The county clerk shall:
- 1178 (i) review the declarations of candidacy filed by candidates for local boards of
1179 education to determine if more than two candidates have filed for the same seat;
- 1180 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1181 local board of education seat on the nonpartisan section of the ballot if more than
1182 two candidates have filed for the same seat; and
- 1183 (iii) ~~[determine the order of]~~ place the local board of education candidates' names on
1184 the ballot in accordance with ~~[Section 20A-6-305]~~ Sections 20A-6-109 and
1185 20A-6-110.
- 1186 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
1187 governor shall provide to the county clerks:

- 1188 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
 1189 county, and county offices who have received certifications under Subsection (3),
 1190 along with instructions on how those names shall appear on the primary election
 1191 ballot in accordance with [~~Section 20A-6-305~~] Sections 20A-6-109 and 20A-6-110;
 1192 and
- 1193 (ii) a list of unopposed candidates for elective office who have been nominated by a
 1194 registered political party under Subsection (5)(c) and instruct the county clerks to
 1195 exclude the unopposed candidates from the primary election ballot.
- 1196 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
 1197 joint-ticket running mates shall appear jointly on the primary election ballot.
- 1198 (c) After the county clerk receives the certified list from the lieutenant governor under
 1199 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
 1200 substantially the following form:
- 1201 "Notice is given that a primary election will be held Tuesday, June ____,
 1202 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
 1203 local school board positions listed on the primary ballot. The polling place for voting precinct
 1204 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
 1205 Attest: county clerk."
- 1206 (5)(a) A candidate who, at the regular primary election, receives the highest number of
 1207 votes cast for the office sought by the candidate is:
- 1208 (i) nominated for that office by the candidate's registered political party; or
 1209 (ii) for a nonpartisan local school board position, nominated for that office.
- 1210 (b) If two or more candidates are to be elected to the office at the regular general
 1211 election, those party candidates equal in number to positions to be filled who receive
 1212 the highest number of votes at the regular primary election are the nominees of the
 1213 candidates' party for those positions.
- 1214 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 1215 (A) no individual other than the candidate receives a certification under
 1216 Subsection (3) for the regular primary election ballot of the candidate's
 1217 registered political party for a particular elective office; or
 1218 (B) for an office where more than one individual is to be elected or nominated, the
 1219 number of candidates who receive certification under Subsection (3) for the
 1220 regular primary election of the candidate's registered political party does not
 1221 exceed the total number of candidates to be elected or nominated for that office.

- 1222 (ii) A candidate who is unopposed for an elective office in the regular primary
1223 election of a registered political party is nominated by the party for that office
1224 without appearing on the primary election ballot.
- 1225 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary
1226 election provided for by this section, and all expenses necessarily incurred in the
1227 preparation for or the conduct of that primary election shall be paid out of the treasury of
1228 the county or state, in the same manner as for the regular general elections.
- 1229 (7) An individual may not file a declaration of candidacy for a registered political party of
1230 which the individual is not a member, except to the extent that the registered political
1231 party permits otherwise under the registered political party's bylaws.
- 1232 Section 13. Section **20A-9-409** is amended to read:
- 1233 **20A-9-409 . Primary election provisions relating to qualified political party.**
- 1234 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.
- 1235 (2)(a) A qualified political party that nominates one or more candidates for an elective
1236 office under Section 20A-9-407 and does not have a candidate qualify as a candidate
1237 for that office under Section 20A-9-408, may, but is not required to, participate in the
1238 primary election for that office.
- 1239 (b) A qualified political party that has only one candidate qualify as a candidate for an
1240 elective office under Section 20A-9-408 and does not nominate a candidate for that
1241 office under Section 20A-9-407, may, but is not required to, participate in the
1242 primary election for that office.
- 1243 (c) A qualified political party that nominates one or more candidates for an elective
1244 office under Section 20A-9-407 and has one or more candidates qualify as a
1245 candidate for that office under Section 20A-9-408 shall participate in the primary
1246 election for that office.
- 1247 (d) A qualified political party that has two or more candidates qualify as candidates for
1248 an elective office under Section 20A-9-408 and does not nominate a candidate for
1249 that office under Section 20A-9-407 shall participate in the primary election for that
1250 office.
- 1251 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201
1252 or 17-52a-202, a qualified political party shall participate in the primary election for a
1253 county commission office if:
- 1254 (a) there is more than one:
- 1255 (i) open position as defined in Section 17-52a-201; or

- 1256 (ii) midterm vacancy as defined in Section 17-52a-201; and
- 1257 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
- 1258 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds
- 1259 the number of respective open positions or midterm vacancies.
- 1260 (4)(a) As used in this Subsection (4), a candidate is "unopposed" if:
- 1261 (i) no individual other than the candidate receives a certification, from the appropriate
- 1262 filing officer, for the regular primary election ballot of the candidate's registered
- 1263 political party for a particular elective office; or
- 1264 (ii) for an office where more than one individual is to be elected or nominated, the
- 1265 number of candidates who receive certification, from the appropriate filing officer,
- 1266 for the regular primary election of the candidate's registered political party does
- 1267 not exceed the total number of candidates to be elected or nominated for that
- 1268 office.
- 1269 (b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:
- 1270 (i) provide to the county clerks:
- 1271 (A) a list of the names of all candidates for federal, constitutional, multi-county,
- 1272 single county, and county offices who have received certifications from the
- 1273 appropriate filing officer, along with instructions on how those names shall
- 1274 appear on the primary election ballot in accordance with [~~Section 20A-6-305~~]
- 1275 Sections 20A-6-109 and 20A-6-110; and
- 1276 (B) a list of unopposed candidates for elective office who have been nominated by
- 1277 a registered political party; and
- 1278 (ii) instruct the county clerks to exclude unopposed candidates from the primary
- 1279 election ballot.
- 1280 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
- 1281 the fourth Saturday in April.
- 1282 Section 14. Section **20A-12-201** is amended to read:
- 1283 **20A-12-201 . Judicial appointees -- Retention elections.**
- 1284 (1)(a) Each judicial appointee to a court is subject to an unopposed retention election at
- 1285 the first general election held more than three years after the judge or justice was
- 1286 appointed.
- 1287 (b) After the first retention election:
- 1288 (i) each Supreme Court justice shall be on the regular general election ballot for an
- 1289 unopposed retention election every tenth year; and

- 1290 (ii) each judge of other courts shall be on the regular general election ballot for an
1291 unopposed retention election every sixth year.
- 1292 (2)(a) Each justice or judge of a court of record who wishes to retain office shall, in the
1293 year the justice or judge is subject to a retention election:
- 1294 (i) file a declaration of candidacy with the lieutenant governor, or with the county
1295 clerk in the candidate's county of residence, within the period beginning on July 1
1296 and ending at 5 p.m. on July 15 in the year of a regular general election; and
1297 (ii) pay a filing fee of \$50.
- 1298 (b)(i) Each justice court judge who wishes to retain office shall, in the year the
1299 justice court judge is subject to a retention election:
- 1300 (A) file a declaration of candidacy with the lieutenant governor, or with the county
1301 clerk in the candidate's county of residence, within the period beginning on
1302 July 1 and ending at 5 p.m. on July 15 in the year of a regular general election;
1303 and
1304 (B) pay a filing fee of \$25 for each judicial office.
- 1305 (ii) If a justice court judge is appointed or elected to more than one judicial office, the
1306 declaration of candidacy shall identify all of the courts included in the same
1307 general election.
- 1308 (iii) If a justice court judge is appointed or elected to more than one judicial office,
1309 filing a declaration of candidacy in one county in which one of those courts is
1310 located is valid for the courts in any other county.
- 1311 (3)(a) The lieutenant governor shall, no later than August 31 of each regular general
1312 election year:
- 1313 (i) transmit a certified list containing the names of the justices of the Supreme Court,
1314 judges of the Court of Appeals, and judges of the Business and Chancery Court
1315 declaring their candidacy to the county clerk of each county; and
1316 (ii) transmit a certified list containing the names of judges of other courts declaring
1317 their candidacy to the county clerk of each county in the geographic division in
1318 which the judge filing the declaration holds office.
- 1319 (b) Each county clerk shall place the names of justices and judges standing for retention
1320 election:
- 1321 (i) in the nonpartisan section of the ballot[-] ; and
1322 (ii) in accordance with Section 20A-6-109.
- 1323 (4)(a) At the general election, the ballots shall contain:

- 1324 (i) at the beginning of the judicial retention section of the ballot, the following statement:
 1325 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's
 1326 recommendations for each judge"; and
- 1327 (ii) as to each justice or judge of any court to be voted on in the county, the following question:
 1328 "Shall _____ (name of justice or judge) be retained in the
 1329 office of _____? (name of office, such as "Justice of the Supreme
 1330 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery
 1331 Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the
 1332 Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county)
 1333 County or (name of municipality)")
- 1334 Yes ()
 1335 No ()."
- 1336 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102,
 1337 the ballot question for the judge shall include the name of that court.
- 1338 (5)(a) If the justice or judge receives more yes votes than no votes, the justice or judge
 1339 is retained for the term of office provided by law.
- 1340 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
 1341 judge is not retained, and a vacancy exists in the office on the first Monday in
 1342 January after the regular general election.
- 1343 (6) A justice or judge not retained is ineligible for appointment to the office for which the
 1344 justice or judge was defeated until after the expiration of that term of office.
- 1345 (7)(a) If a justice court judge is standing for retention for one or more judicial offices in
 1346 a county in which the judge is a county justice court judge or a municipal justice
 1347 court judge in a town or municipality of the fourth or fifth class, as described in
 1348 Section 10-2-301, or any combination thereof, the election officer shall place the
 1349 judge's name on the county ballot only once for all judicial offices for which the
 1350 judge seeks to be retained.
- 1351 (b) If a justice court judge is standing for retention for one or more judicial offices in a
 1352 municipality of the first, second, or third class, as described in Section 10-2-301, the
 1353 election officer shall place the judge's name only on the municipal ballot for the
 1354 voters of the municipality that the judge serves.

1355 **Section 15. Effective Date.**

1356 This bill takes effect on May 7, 2025.