

ELECTION LAW AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ modifies dates, deadlines, and other requirements in the Election Code to allow for a runoff election for primary races in certain circumstances;
- ▶ changes the dates during which an individual may file a declaration of candidacy or a notice of intent to gather signatures;
- ▶ changes the deadline for filing a petition and submitting signatures to form a political party;
- ▶ provides for a runoff election, by absentee ballot, in a primary election race where more than two candidates appear on the ballot for the same office, and from the same party, and where one candidate does not receive a certain percentage of the votes;
- ▶ establishes requirements, and addresses payment, for a runoff election;
- ▶ repeals the provision that prohibits an individual from signing more than one nomination petition for the same office; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None



Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176**20A-1-501**, as last amended by Laws of Utah 2016, Chapter 16**20A-1-503**, as last amended by Laws of Utah 2011, Chapters 327 and 340**20A-1-509.1**, as last amended by Laws of Utah 2011, Chapters 297 and 327**20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377**20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309**20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2**20A-5-303**, as last amended by Laws of Utah 2011, Chapter 335**20A-7-702**, as last amended by Laws of Utah 2016, Chapter 348**20A-7-801**, as last amended by Laws of Utah 2013, Chapters 182, 219 and last amended by Coordination Clause, Laws of Utah 2013, Chapter 182**20A-8-103**, as last amended by Laws of Utah 2013, Chapter 253**20A-9-202**, as last amended by Laws of Utah 2015, Chapter 296**20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28**20A-9-406**, as last amended by Laws of Utah 2016, Chapters 16 and 66**20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296**20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28**20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296**20A-12-201**, as last amended by Laws of Utah 2014, Chapter 207**20A-14-203**, as last amended by Laws of Utah 2016, Chapter 16**20A-16-502**, as last amended by Laws of Utah 2012, Chapter 369**ENACTS:****20A-9-409.5**, Utah Code Annotated 1953**REPEALS:****20A-5-409**, as last amended by Laws of Utah 2011, Chapter 327**20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296

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

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

20A-1-102. Definitions.

As used in this title:

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

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

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

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

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

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

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

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

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

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

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

(6) "Ballot sheet":

(a) means a ballot that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121 elected.

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

123 (a) means the day that is specified in the calendar year as the day that the election

124 occurs; and

125 (b) does not include:

126 (i) deadlines established for absentee voting; or

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

128 Voting.

129 (23) "Elected official" means:

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

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

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

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

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

135 (24) "Election" means a regular general election, a municipal general election, a

136 statewide special election, a local special election, a regular primary election, a municipal

137 primary election, ~~[and]~~ a local district election, or a runoff election.

138 (25) "Election Assistance Commission" means the commission established by the Help

139 America Vote Act of 2002, Pub. L. No. 107-252.

140 (26) "Election cycle" means the period beginning on the first day persons are eligible to

141 file declarations of candidacy and ending when the canvass is completed.

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

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

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

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

146 (28) "Election officer" means:

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

148 (b) the county clerk for:

149 (i) a county ballot and election; and

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

151 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

(i) a municipal ballot and election; and

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

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

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

(i) a local district ballot and election; and

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

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

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

(i) a school district ballot and election; and

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

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

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

(30) "Election results" means:

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

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

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

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

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

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

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

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

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

(b) failed to respond to that notice.

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

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

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

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

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

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

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

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

(44) "Municipal executive" means:

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

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

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

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

(46) "Municipal legislative body" means:

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

(b) the council of a metro township.

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

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

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

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

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

(52) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

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

(i) the poll worker's initials; and

(ii) the ballot number.

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

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

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

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

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

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

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

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

(b) "Poll worker" includes election judges.

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

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

(60) "Primary convention" means the political party conventions held during the year of the regular general election.

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

(a) is built into a voting machine; and

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

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

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

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

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

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

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

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

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

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

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

(69) "Regular general election" means the election held throughout the state on the first

Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

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

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

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

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

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

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

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

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

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

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

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

(80) "Ticket" means a list of:

(a) political parties;

(b) candidates for an office; or

(c) ballot propositions.

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

(82) "Vacancy" means the absence of a person to serve in any position created by

statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(83) "Valid voter identification" means:

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

(i) a currently valid Utah driver license;

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

(A) the state; or

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

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

(iv) a currently valid United States passport; or

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

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

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

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

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

(iii) a certified birth certificate;

(iv) a valid social security card;

(v) a check issued by the state or the federal government or a legible copy thereof;

(vi) a paycheck from the voter's employer, or a legible copy thereof;

(vii) a currently valid Utah hunting or fishing license;

(viii) certified naturalization documentation;

(ix) a currently valid license issued by an authorized agency of the United States;

(x) a certified copy of court records showing the voter's adoption or name change;

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

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

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

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

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

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

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

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

Section 2. Section **20A-1-501** is amended to read:

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

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

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

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

(ii) one or both:

(A) dies;

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

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

(b) for a registered political party that does not have a candidate on the ballot in a primary, but that will have a candidate on the ballot for a general election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section ~~[20A-5-409]~~ 20A-9-701, the party's candidate:

(i) dies;

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

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

or

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

or

(c) for a registered political party with a candidate certified as winning a primary election, after the deadline described in Subsection (1)(a) and continuing through the day before that day on which the lieutenant governor makes the certification described in Section ~~[20A-5-409]~~ 20A-9-701, the party's candidate:

(i) dies;

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

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

or

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

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

(3) Each replacement candidate shall file a declaration of candidacy as required by

431 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

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

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

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

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

441 Section 3. Section 20A-1-503 is amended to read:

442 **20A-1-503. Midterm vacancies in the Legislature.**

443 (1) As used in this section:

444 (a) "Filing deadline" means the final date for filing:

445 (i) a declaration of candidacy as provided in Section 20A-9-202; and

446 (ii) a certificate of nomination as provided in Section 20A-9-503.

447 (b) "Party liaison" means the political party officer designated to serve as a liaison with
448 the lieutenant governor on all matters relating to the political party's relationship with the state
449 as required by Section 20A-8-401.

450 (2) When a vacancy occurs for any reason in the office of representative in the
451 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
452 name was submitted by the party liaison of the same political party as the prior representative.

453 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
454 the office of senator in the Legislature, ~~[it]~~ the vacancy shall be filled for the unexpired term at
455 the next regular general election.

456 (b) The governor shall fill the vacancy until the next regular general election by
457 immediately appointing the person whose name was submitted by the party liaison of the same
458 political party as the prior senator.

459 (4) (a) ~~[H] For an even-numbered year in which the term of office does not expire, if a~~
460 ~~vacancy described in Subsection (3)(a) occurs after [the filing deadline but before August 31 of~~
461 ~~an even-numbered year in which the term of office does not expire]~~ January 1, and at least two

days before the day on which the lieutenant governor certifies candidates for the regular general election ballot under Section [20A-9-701](#), the lieutenant governor shall:

(i) establish a date, which is before the date for a candidate to be certified for the ballot under Section [20A-9-701](#) and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:

(A) a declaration of candidacy; or

(B) a certificate of nomination; and

(ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):

(A) on the lieutenant governor's website; and

(B) to each registered political party.

(b) A person intending to obtain a position on the ballot for the vacant office shall:

(i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and

(ii) run in the regular general election if:

(A) nominated as a party candidate; or

(B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.

(c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after the third Saturday in April and before August 31 of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor by August 30 for placement on the regular general election ballot.

(5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Section 4. Section **20A-1-509.1** is amended to read:

20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.

(1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) (a) The requirements of this Subsection (2) apply when:

~~(i)~~ (i) the office of county attorney or district attorney becomes vacant ~~[and:];~~

~~[(i)]~~ (ii) the vacant office has an unexpired term of two years or more; and

~~[(ii)]~~ (iii) the vacancy occurs before ~~[the third Thursday in March of the]~~ January 1 of
an even-numbered year.

(b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(c) All persons intending to become candidates for the vacant office shall:

(i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

(ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and

(iii) if elected, complete the unexpired term of the person who created the vacancy.

~~[(d) If the vacancy occurs after the second Friday in March and before the third Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b), but no later than the fourth Thursday in March.]~~

(3) (a) The requirements of this Subsection (3) apply when:

(i) the office of county attorney or district attorney becomes vacant ~~[and:];~~

~~[(i)]~~ (ii) the vacant office has an unexpired term of two years or more; and

~~[(ii)]~~ (iii) the vacancy occurs after ~~[the third Thursday in March of the]~~ January 1 of an
even-numbered year but more than 75 days before the regular primary election.

(b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:

(i) notify the public and each registered political party that the vacancy exists; and

(ii) identify the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.

(c) All persons intending to become candidates for the vacant office shall:

(i) within five days after the date that the notice is made, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

(ii) if elected, complete the unexpired term of the person who created the vacancy.

(d) The county central committee of each party shall:

(i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and

(ii) certify the name of the candidate or candidates to the county clerk at least 60 days before the regular primary election.

(4) (a) The requirements of this Subsection (4) apply when:

(i) the office of county attorney or district attorney becomes vacant ~~[and:]~~;

~~[(i)]~~ (ii) the vacant office has an unexpired term of two years or more; and

~~[(ii)]~~ (iii) 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.

(b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wish to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the regular general election ballot.

(c) The candidate elected shall complete the unexpired term of the person who created the vacancy.

(5) (a) The requirements of this Subsection (5) apply when:

(i) the office of county attorney or district attorney becomes vacant; and~~[:]~~

~~[(i)]~~ (ii) (A) the vacant office has an unexpired term of less than two years; or

~~[(ii)]~~ (B) the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.

(b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior officeholder and invite that committee to submit the names of three nominees to fill the vacancy.

(c) That county central committee shall, within 30 days of receiving notice from the

555 county legislative body, submit to the county legislative body the names of three nominees to
556 fill the vacancy.

557 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
558 one of those nominees to serve out the unexpired term.

559 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
560 days, the county clerk shall send to the governor a letter that:

561 (i) informs the governor that the county legislative body has failed to appoint a person
562 to fill the vacancy within the statutory time period; and

563 (ii) contains the list of nominees submitted by the party central committee.

564 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
565 within 30 days after receipt of the letter.

566 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the
567 unexpired term of the person who created the vacancy.

568 (6) Nothing in this section prevents or prohibits independent candidates from filing a
569 declaration of candidacy for the office within the required time limits.

570 Section 5. Section **20A-4-301** is amended to read:

571 **20A-4-301. Board of canvassers.**

572 (1) (a) Each county legislative body is the board of county canvassers for:

573 (i) the county; and

574 (ii) each local district whose election is conducted by the county if:

575 (A) the election relates to the creation of the local district;

576 (B) the county legislative body serves as the governing body of the local district; or

577 (C) there is no duly constituted governing body of the local district.

578 (b) The board of county canvassers shall meet to canvass the returns at the usual place
579 of meeting of the county legislative body[;].

580 (i) for a regular primary election or a runoff election, seven days after the regular
581 primary election; or

582 (ii) for an election other than a regular primary election or a runoff election, at a date
583 and time determined by the county clerk that is no sooner than seven days after the election and
584 no later than 14 days after the election.

585 (c) If one or more of the county legislative body fails to attend the meeting of the board

of county canvassers, the remaining members shall replace the absent member by appointing in the order named:

(i) the county treasurer;

(ii) the county assessor; or

(iii) the county sheriff.

(d) Attendance of the number of persons equal to a simple majority of the county legislative body, but not less than three persons, shall constitute a quorum for conducting the canvass.

(e) The county clerk is the clerk of the board of county canvassers.

(2) (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

(b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:

(i) for canvassing of returns from a municipal general election, no sooner than seven days after the election and no later than 14 days after the election; or

(ii) for canvassing of returns from a municipal primary election, no sooner than seven days after the election and no later than 14 days after the election.

(c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.

(3) (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.

(b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.

(c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.

Section 6. Section **20A-4-304** is amended to read:

20A-4-304. Declaration of results -- Canvassers' report.

(1) Each board of canvassers shall:

(a) except as provided in Subsection (1)(b), declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

617 (ii) sought election or nomination to an office completely within the board's
618 jurisdiction;

619 (b) for a regular primary election race where a runoff election is required, determine
620 the number of votes received by each candidate for the purpose of determining the candidates
621 who will participate in a runoff election;

622 ~~[(b)]~~ (c) declare:

623 (i) "approved" those ballot propositions that:

624 (A) had more "yes" votes than "no" votes; and

625 (B) were submitted only to the voters within the board's jurisdiction;

626 (ii) "rejected" those ballot propositions that:

627 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
628 votes; and

629 (B) were submitted only to the voters within the board's jurisdiction;

630 ~~[(c)]~~ (d) certify the vote totals for persons and for and against ballot propositions that
631 were submitted to voters within and beyond the board's jurisdiction and transmit those vote
632 totals to the lieutenant governor; and

633 ~~[(d)]~~ (e) if applicable, certify the results of each local district election to the local
634 district clerk.

635 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
636 result, which shall contain:

637 (i) the total number of votes cast in the board's jurisdiction;

638 (ii) the names of each candidate whose name appeared on the ballot;

639 (iii) the title of each ballot proposition that appeared on the ballot;

640 (iv) each office that appeared on the ballot;

641 (v) from each voting precinct:

642 (A) the number of votes for each candidate; and

643 (B) the number of votes for and against each ballot proposition;

644 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
645 for and against each ballot proposition;

646 (vii) the number of ballots that were rejected; and

647 (viii) a statement certifying that the information contained in the report is accurate.

- 648 (b) The election officer and the board of canvassers shall:
- 649 (i) review the report to ensure that it is correct; and
- 650 (ii) sign the report.
- 651 (c) The election officer shall:
- 652 (i) record or file the certified report in a book kept for that purpose;
- 653 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
- 654 to each nominated or elected candidate;
- 655 (iii) publish a copy of the certified report:
- 656 (A) in one or more conspicuous places within the jurisdiction;
- 657 (B) in a conspicuous place on the county's website; and
- 658 (C) in a newspaper with general circulation in the board's jurisdiction; and
- 659 (iv) file a copy of the certified report with the lieutenant governor.
- 660 (3) When there has been a regular general or a statewide special election for statewide
- 661 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
- 662 or more county ballot proposition, each board of canvassers shall:
- 663 (a) prepare a separate report detailing the number of votes for each candidate and the
- 664 number of votes for and against each ballot proposition; and
- 665 (b) transmit it by registered mail to the lieutenant governor.
- 666 (4) ~~[In]~~ (a) Except as provided in Subsection (4)(b), for each county election,
- 667 municipal election, school election, local district election, and local special election, the
- 668 election officer shall transmit the reports to the lieutenant governor within 14 days after the
- 669 date of the election.
- 670 (b) For each regular primary election, the election officer shall transmit the reports to
- 671 the lieutenant governor within seven days after the date of the regular primary election.
- 672 (5) In regular primary elections and in the Western States Presidential Primary, the
- 673 board shall transmit to the lieutenant governor:
- 674 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
- 675 governor:
- 676 (i) ~~[not later than the second Tuesday after the primary election for]~~ seven days after
- 677 the regular primary election; and
- 678 (ii) not later than the Tuesday following the election for the Western States Presidential

Primary; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, [~~to be mailed to the lieutenant governor on or before the third Friday following~~] seven days after the primary election.

Section 7. Section **20A-4-306** is amended to read:

20A-4-306. Statewide canvass.

(1) (a) The state board of canvassers shall convene:

(i) on the fourth Monday of November, at noon; or

(ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.

(b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.

(c) Attendance of all members of the state board of canvassers shall be required to constitute a quorum for conducting the canvass.

(2) (a) The state board of canvassers shall:

(i) meet in the lieutenant governor's office; and

(ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.

(b) The lieutenant governor, as secretary of the board shall file a report in his office that details:

(i) for each statewide officer and ballot proposition:

(A) the name of the statewide office or ballot proposition that appeared on the ballot;

(B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition;

(D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and

(E) the total number of votes cast statewide; and

(ii) for each officer or ballot proposition voted on in two or more counties:

(A) the name of each of those offices and ballot propositions that appeared on the

710 ballot;

711 (B) the candidates for those offices, plus any recorded write-in candidates;

712 (C) the number of votes from each county cast for each candidate and for and against

713 each ballot proposition; and

714 (D) the total number of votes cast for each candidate and for and against each ballot

715 proposition.

716 (c) The lieutenant governor shall:

717 (i) prepare certificates of election for:

718 (A) each successful candidate; and

719 (B) each of the presidential electors of the candidate for president who received a

720 majority of the votes;

721 (ii) authenticate each certificate with his seal; and

722 (iii) deliver a certificate of election to:

723 (A) each candidate who had the highest number of votes for each office; and

724 (B) each of the presidential electors of the candidate for president who received a

725 majority of the votes.

726 (3) If the lieutenant governor has not received election returns from all counties on the

727 fifth day before the day designated for the meeting of the state board of canvassers, the

728 lieutenant governor shall:

729 (a) send a messenger to the clerk of the board of county canvassers of the delinquent

730 county;

731 (b) instruct the messenger to demand a certified copy of the board of canvasser's report

732 required by Section 20A-4-304 from the clerk; and

733 (c) pay the messenger the per diem provided by law as compensation.

734 (4) The state board of canvassers may not withhold the declaration of the result or any

735 certificate of election because of any defect or informality in the returns of any election if the

736 board can determine from the returns, with reasonable certainty, what office is intended and

737 who is elected to it.

738 (5) (a) At noon [~~on the fourth Monday after~~] nine days after the day of the regular

739 primary election, the lieutenant governor shall:

740 (i) canvass the returns for all multicounty candidates required to file with the office of

the lieutenant governor; ~~and~~

(ii) publish and file the results of the canvass in the lieutenant governor's office~~[-]; and~~

(iii) certify the name of each candidate for a statewide or multicounty office that will participate in a runoff election.

(b) ~~[Not]~~ Except as provided in Subsection (5)(c), no later than the August 1 after the regular primary election, the lieutenant governor shall certify the results of:

(i) the primary canvass, except for the office of President of the United States, to the county clerks; and

(ii) the primary canvass for the office of President of the United States to each registered political party that participated in the primary.

(c) For a regular primary election in which a runoff election is held, no later than nine days after the day of the runoff election, the lieutenant governor shall certify the results of the runoff election canvass to the county clerks.

(6) (a) At noon on the day that falls seven days after the last day on which a county canvass may occur under Section 20A-4-301 for the Western States Presidential Primary election, the lieutenant governor shall:

(i) canvass the returns; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the Western States Presidential Primary canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.

Section 8. Section 20A-5-303 is amended to read:

20A-5-303. Establishing, dividing, abolishing, and changing voting precincts -- Common polling places -- Combined voting precincts.

(1) (a) After receiving recommendations from the county clerk, the county legislative body may establish, divide, abolish, and change voting precincts.

(b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Automated Geographic Reference Center, created under Section 63F-1-506, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.

(2) (a) The county legislative body shall alter or divide voting precincts so that each

voting precinct contains not more than 1,250 active voters.

(b) The county legislative body shall:

(i) identify those precincts that may reach the limit of active voters in a precinct under Subsection (2)(a) or that becomes too large to facilitate the election process; and

(ii) except as provided by Subsection (3), divide those precincts on or before January 1 of a general election year.

(3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the county legislative body may not:

(a) establish or abolish any voting precinct after January 1 of a regular general election year;

(b) alter or change the boundaries of any voting precinct after January 1 of a regular general election year; or

(c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a year immediately preceding the year in which an enumeration is required by the United States Constitution and the day on which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(5) A county legislative body may establish, divide, abolish, alter, or change a voting precinct on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(6) (a) For the purpose of voting in an election, including a runoff election, the county legislative body may establish a common polling place for two or more whole voting precincts.

(b) ~~[At least 90 days before the election]~~ In accordance with deadlines established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the director of elections within the Office of the Lieutenant Governor, the county legislative body shall designate:

(i) the voting precincts that will vote at the common polling place; and

(ii) the location of the common polling place.

(c) A county may use one set of election judges for the common polling place under this Subsection (6).

(7) Each county shall have at least two polling places open for voting on the date of the election and the date of a runoff election.

(8) Each common polling place shall have at least one voting device that is accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002.

Section 9. Section **20A-7-702** is amended to read:

20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than 10 point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) ~~[The]~~ Subject to Subsection (5), the voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on ~~[the date that falls 105 days before the date of the election]~~ the first business day in August;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by

the Legislature or by referendum;

(iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5; and

(vii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

(h) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;

(v) the names of the judges standing for retention election; and

(vi) for each judge:

(A) a list of the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) a narrative concerning the judge's performance;

(D) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;

(F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;

(G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

(H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;

(i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(k) voter registration information, including information on how to obtain an absentee ballot;

(l) a list of all county clerks' offices and phone numbers; and

(m) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

(3) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall:

(a) (i) distribute one copy of the voter information pamphlet to each household within the state;

(ii) distribute to each household within the state a notice:

(A) printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail;

(B) that states the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

(C) that states the phone number a voter may call to request delivery of a voter information pamphlet by mail; or

(iii) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

(4) The lieutenant governor may distribute a voter information pamphlet at a location frequented by a person who cannot easily access the Statewide Electronic Voter Information Website authorized by Section 20A-7-801.

(5) If, when the lieutenant governor submits the voter information pamphlet for printing, the candidates who will appear on the ballot for a particular race are not known, the lieutenant governor may include in the voter information pamphlet the name and qualification statement of each candidate who may appear on the ballot together with a statement indicating:

(a) that, at the time of printing, the names of the candidates who would appear on the ballot for that race were not known; and

(b) the website where a voter may view the list of candidates who will appear on the ballot for that race.

Section 10. Section 20A-7-801 is amended to read:

20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.

(1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.

(2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:

(a) the offices and candidates up for election; and

(b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters.

(3) Except as provided under Subsection (6), the website shall include:

(a) all information currently provided in the Utah voter information pamphlet under Title 20A, Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process;

(b) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;

(c) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3-703 and the location of the election day voting center;

(d) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions; and

(e) any differences in voting method, time, or location designated by the lieutenant governor under Subsection 20A-1-308(2).

(4) (a) An election official shall submit the following information for each ballot label under the election official's direct responsibility under this title:

(i) a list of all candidates for each office;

(ii) if submitted by the candidate to the election official's office at 5 p.m. at least ~~[45]~~ 28 days before ~~[the primary election and 60 days before the general]~~ an election:

958 (A) a statement of qualifications, not exceeding 200 words in length, for each
959 candidate;

960 (B) the following current biographical information if desired by the candidate, current:
961 (I) age;
962 (II) occupation;
963 (III) city of residence;
964 (IV) years of residence in current city; and
965 (V) email address; and

966 (C) a single web address where voters may access more information about the
967 candidate and the candidate's views; and

968 (iii) factual information pertaining to all ballot propositions submitted to the voters,
969 including:

970 (A) a copy of the number and ballot title of each ballot proposition;
971 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
972 vote was required to place the ballot proposition on the ballot;

973 (C) a complete copy of the text of each ballot proposition, with all new language
974 underlined and all deleted language placed within brackets; and

975 (D) other factual information determined helpful by the election official.

976 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
977 governor no later than one business day after the deadline under Subsection (4)(a) for each
978 general election year and each municipal election year.

979 (c) The lieutenant governor shall:

980 (i) review the information submitted under this section, to determine compliance under
981 this section, prior to placing it on the website;

982 (ii) refuse to post information submitted under this section on the website if it is not in
983 compliance with the provisions of this section; and

984 (iii) organize, format, and arrange the information submitted under this section for the
985 website.

986 (d) The lieutenant governor may refuse to include information the lieutenant governor
987 determines is not in keeping with:

988 (i) Utah voter needs;

989 (ii) public decency; or

990 (iii) the purposes, organization, or uniformity of the website.

991 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
992 Subsection (5).

993 (5) (a) A person whose information is refused under Subsection (4), and who is
994 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
995 lieutenant governor within 10 business days after the date of the determination. A notice of
996 appeal submitted under this Subsection (5)(a) shall contain:

997 (i) a listing of each objection to the lieutenant governor's determination; and

998 (ii) the basis for each objection.

999 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
1000 response within 10 business days after the notice of appeal is submitted.

1001 (c) An appeal of the response of the lieutenant governor shall be made to the district
1002 court, which shall review the matter de novo.

1003 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
1004 enter the voter's address information on the website to retrieve information on which offices,
1005 candidates, and ballot propositions will be on the voter's ballot at the next general election or
1006 municipal election.

1007 (b) The information on the website will anticipate and answer frequent voter questions
1008 including the following:

1009 (i) what offices are up in the current year for which the voter may cast a vote;

1010 (ii) who is running for what office and who is the incumbent, if any;

1011 (iii) what address each candidate may be reached at and how the candidate may be
1012 contacted;

1013 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

1014 (v) what qualifications have been submitted by each candidate;

1015 (vi) where additional information on each candidate may be obtained;

1016 (vii) what ballot propositions will be on the ballot; and

1017 (viii) what judges are up for retention election.

1018 (7) As resources are made available and in cooperation with the county clerks, the
1019 lieutenant governor may expand the electronic voter information website program to include

the same information as provided under this section for special elections and primary elections.

Section 11. Section **20A-8-103** is amended to read:

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

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

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

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

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

(3) The petition shall:

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

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

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

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

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

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

1051 (f) contain the following statement directly under the statement described in Subsection
1052 (3)(e):
1053 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
1054 Lieutenant Governor:
1055 We, the undersigned citizens of Utah, seek registered political party status for _____
1056 (name);
1057 Each signer says:
1058 I have personally signed this petition with a holographic signature;
1059 I am registered to vote in Utah or will register to vote in Utah before the petition is
1060 submitted to the lieutenant governor;
1061 I am or desire to become a member of the political party; and
1062 My street address is written correctly after my name."; and
1063 (g) be vertically divided into columns as follows:
1064 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
1065 headed with "For Office Use Only," and be subdivided with a light vertical line down the
1066 middle;
1067 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
1068 Name (must be legible to be counted)";
1069 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
1070 Registered Voter";
1071 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
1072 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1073 Code"; and
1074 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
1075 information is not required, but it may be used to verify your identity with voter registration
1076 records. If you choose not to provide it, your signature may not be certified as a valid signature
1077 if you change your address before petition signatures are certified or if the information you
1078 provide does not match your voter registration records.";
1079 (h) have a final page bound to one or more signature sheets that are bound together that
1080 contains the following printed statement:
1081 "Verification

1082 State of Utah, County of ____

1083 I, _____, of _____, hereby state that:

1084 I am a Utah resident and am at least 18 years old;

1085 All the names that appear on the signature sheets bound to this page were signed by
1086 persons who professed to be the persons whose names appear on the signature sheets, and each
1087 of them signed the person's name on the signature sheets in my presence;

1088 I believe that each has printed and signed the person's name and written the person's
1089 street address correctly, and that each signer is registered to vote in Utah or will register to vote
1090 in Utah before the petition is submitted to the lieutenant governor.

1091 _____
1092 (Signature) (Residence Address) (Date)"; and

1093 (i) be bound to a cover sheet that:

1094 (i) identifies the political party's name, which may not exceed four words, and the
1095 emblem of the party;

1096 (ii) states the process that the organization will follow to organize and adopt a
1097 constitution and bylaws; and

1098 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
1099 the organization.

1100 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in
1101 whose presence each signature sheet is signed:

1102 (a) is at least 18 years old;

1103 (b) meets the residency requirements of Section 20A-2-105; and

1104 (c) verifies each signature sheet by completing the verification bound to one or more
1105 signature sheets that are bound together.

1106 (5) A person may not sign the verification if the person signed a signature sheet bound
1107 to the verification.

1108 (6) The lieutenant governor shall:

1109 (a) determine whether the required number of voters appears on the petition;

1110 (b) review the proposed name and emblem to determine if they are "distinguishable"
1111 from the names and emblems of other registered political parties; and

1112 (c) certify the lieutenant governor's findings to the filing officer described in

1113 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

1114 (7) (a) If the lieutenant governor determines that the petition meets the requirements of
1115 this section, and that the proposed name and emblem are distinguishable, the lieutenant
1116 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the
1117 prospective political party.

1118 (b) If the lieutenant governor finds that the name, emblem, or both are not
1119 distinguishable from the names and emblems of other registered political parties, the lieutenant
1120 governor shall notify the filing officer that the filing officer has seven days to submit a new
1121 name or emblem to the lieutenant governor.

1122 (8) A registered political party may not change its name or emblem during the regular
1123 general election cycle.

1124 (9) (a) It is unlawful for any person to:

1125 (i) knowingly sign a political party registration petition:

1126 (A) with any name other than the person's own name;

1127 (B) more than once for the same political party; or

1128 (C) if the person is not registered to vote in this state and does not intend to become
1129 registered to vote in this state before the petition is submitted to the lieutenant governor; or

1130 (ii) sign the verification of a political party registration petition signature sheet if the
1131 person:

1132 (A) does not meet the residency requirements of Section 20A-2-105;

1133 (B) has not witnessed the signing by those persons whose names appear on the political
1134 party registration petition signature sheet; or

1135 (C) knows that a person whose signature appears on the political party registration
1136 petition signature sheet is not registered to vote in this state and does not intend to become
1137 registered to vote in this state.

1138 (b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.

1139 Section 12. Section 20A-9-202 is amended to read:

1140 **20A-9-202. Declarations of candidacy for regular general elections.**

1141 (1) (a) Each person seeking to become a candidate for an elective office that is to be
1142 filled at the next regular general election shall:

1143 (i) file a declaration of candidacy in person with the filing officer;

1144 (A) on or after the first business day following January 1 of the regular general election
1145 year~~[-and];~~;

1146 (B) on or before the fifth business day following January 1 of the regular general
1147 election year; and

1148 (C) if applicable, before the candidate circulates nomination petitions under Section
1149 20A-9-405; and

1150 (ii) pay the filing fee.

1151 (b) Each county clerk who receives a declaration of candidacy from a candidate for
1152 multicounty office shall transmit ~~[the filing fee and]~~ a copy of the candidate's declaration of
1153 candidacy to the lieutenant governor ~~[within one working]~~ at the end of each business day after
1154 [it is filed] the day on which the county clerk receives the declaration of candidacy.

1155 ~~[(c) Each day during the filing period, each county clerk shall notify the lieutenant~~
1156 ~~governor electronically or by telephone of candidates who have filed in their office.]~~

1157 ~~[(d)]~~ (c) Each person seeking the office of lieutenant governor, the office of district
1158 attorney, or the office of president or vice president of the United States shall comply with the
1159 specific declaration of candidacy requirements established by this section.

1160 (2) (a) Each person intending to become a candidate for the office of district attorney
1161 within a multicounty prosecution district that is to be filled at the next regular general election
1162 shall:

1163 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1164 creating the prosecution district;

1165 (A) on or after the first business day following January 1 of the regular general election
1166 year~~[-and];~~;

1167 (B) on or before the fifth business day following January 1 of the regular general
1168 election year; and

1169 (C) if applicable, before the candidate circulates nomination petitions under Section
1170 20A-9-405; and

1171 (ii) pay the filing fee.

1172 (b) The designated clerk shall provide to the county clerk of each county in the
1173 prosecution district a certified copy of each declaration of candidacy filed for the office of
1174 district attorney.

1175 (3) (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each
1176 lieutenant governor candidate shall:

1177 (i) file a declaration of candidacy with the lieutenant governor;

1178 (ii) pay the filing fee; and

1179 (iii) submit a letter from a candidate for governor who has received certification for the
1180 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
1181 as a joint-ticket running mate.

1182 (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a
1183 lieutenant governor is disqualified, another candidate shall file to replace the disqualified
1184 candidate.

1185 (4) Each registered political party shall:

1186 (a) certify the names of [~~its~~] the registered political party's candidates for president and
1187 vice president of the United States to the lieutenant governor no later than August 31; or

1188 (b) provide written authorization for the lieutenant governor to accept the certification
1189 of candidates for president and vice president of the United States from the national office of
1190 the registered political party.

1191 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1192 objection is filed with the clerk or lieutenant governor within five days after the last day for
1193 filing.

1194 (b) If an objection is made, the clerk or lieutenant governor shall:

1195 (i) mail or personally deliver notice of the objection to the affected candidate
1196 immediately; and

1197 (ii) decide any objection within 48 hours after it is filed.

1198 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1199 problem by amending the declaration or petition within three days after the objection is
1200 sustained or by filing a new declaration within three days after the objection is sustained.

1201 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1202 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1203 by a district court if prompt application is made to the court.

1204 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1205 of its discretion, agrees to review the lower court decision.

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

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

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

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

(ii) the person is a member of:

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

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

(C) the National Guard on activated status;

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

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

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

20A-9-403. Regular primary elections.

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

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

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

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

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

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

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

(b) (i) A registered political party that is a continuing political party must file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 15 of each odd-numbered year.

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

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

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

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

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

Candidates may supplement their submissions at any time on or before the filing deadline.

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

(d) The filing officer shall:

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

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

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

(iv) consider a person who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered political party as the person's party membership on the person's voter registration form; and

(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures pursuant to rules made under Subsection (3)(f).

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

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

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

1299 (g) The county clerk shall:

1300 (i) review the declarations of candidacy filed by candidates for local boards of
1301 education to determine if more than two candidates have filed for the same seat;

1302 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1303 local board of education seat on the nonpartisan section of the ballot if more than two
1304 candidates have filed for the same seat; and

1305 (iii) determine the order of the local board of education candidates' names on the ballot
1306 in accordance with Section [20A-6-305](#).

1307 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1308 governor shall provide to the county clerks:

1309 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
1310 county offices who have received certifications under Subsection (3), along with instructions
1311 on how those names shall appear on the primary-election ballot in accordance with Section
1312 [20A-6-305](#); and

1313 (ii) a list of unopposed candidates for elective office who have been nominated by a
1314 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
1315 candidates from the primary-election ballot.

1316 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
1317 joint-ticket running mates shall appear jointly on the primary-election ballot.

1318 (c) After the county clerk receives the certified list from the lieutenant governor under
1319 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1320 substantially the following form:

1321 "Notice is given that a primary election will be held Tuesday, June ____,
1322 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1323 local school board positions listed on the primary ballot. The polling place for voting precinct
1324 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
1325 Attest: county clerk."

1326 (5) (a) [~~Candidates~~] Except as otherwise provided in Section [20A-9-409.5](#), candidates,
1327 other than presidential candidates, receiving the highest number of votes cast for each office at
1328 the regular primary election are nominated by their registered political party for that office or
1329 are nominated as a candidate for a nonpartisan local school board position.

(b) ~~[If]~~ Except as otherwise provided in Section 20A-9-409.5, if two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.

(c) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary ballot. A candidate is "unopposed" if no person other than the candidate has received a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office.

(6) Except as otherwise provided in Section 20A-9-409.5:

(a) ~~[When]~~ when a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines~~[-]; and~~

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

(7) ~~[The]~~ Except as otherwise provided in Section 20A-9-409.5, the expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

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

Section 14. Section **20A-9-406** is amended to read:

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

The following provisions apply to a qualified political party:

(1) the qualified political party shall, no later than 5 p.m. on ~~[March 1 of each even-numbered]~~ November 15 of each odd-numbered year, certify to the lieutenant governor the identity of one or more registered political parties whose members may vote for the qualified political party's candidates and whether unaffiliated voters may vote for the qualified political party's candidates;

(2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified political party;

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

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

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

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

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

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

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

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

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

multicounty office, or county office;

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

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

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

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

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

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

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

Section 15. Section 20A-9-407 is amended to read:

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

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

(2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

~~[(3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in~~

Subsection ~~20A-9-202~~(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election, shall:]

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

~~[(b) pay the filing fee.]~~

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

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

~~[(b) pay the filing fee.]~~

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

~~[(6)]~~ (4) (a) A qualified political party that nominates a candidate under this section shall certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday after the fourth Saturday in April.

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

~~[(7)]~~ (5) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

Section 16. Section 20A-9-408 is amended to read:

20A-9-408. Signature-gathering process to seek the nomination of a qualified

political party.

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

(2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

(3) ~~[Notwithstanding Subsection 20A-9-202(1)(a), and except]~~ Except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next regular general election shall ~~[(a) within the period beginning on January 1 before the next regular general election and ending on the third Thursday in March of the same year], on or after the first business day and on or before the fifth business day in January of the regular~~ general election year, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

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

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

~~[(iii)]~~ (c) the office for which the member is seeking to become a candidate;

~~[(iv)]~~ (d) the address and telephone number of the member; and

~~[(v)]~~ (e) other information required by the lieutenant governor~~[-]~~.

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

~~[(c) pay the filing fee.]~~

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

regular general election shall~~[(a) on or after January 1 before the next regular general election]~~, on or after the first business day and on or before the fifth business day in January of the regular general election year, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

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

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

~~[(iii)]~~ (c) the office for which the member is seeking to become a candidate;

~~[(iv)]~~ (d) the address and telephone number of the member; and

~~[(v)]~~ (e) other information required by the lieutenant governor~~[:]~~.

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

~~[(c) pay the filing fee.]~~

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

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

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

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

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

(b) collecting signatures, on a form approved by the lieutenant governor, during the

period beginning on the first business day in January [†] of an even-numbered year and ending 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

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

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

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

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

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

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

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

(i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

(ii) submit the signatures to the election officer no later than 14 days before the day on which the qualified political party holds its convention to select candidates, for the elective

office, for the qualified political party's nomination.

(b) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

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

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

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

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

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

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

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

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

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

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

Section 17. Section **20A-9-409.5** is enacted to read:

20A-9-409.5. Regular primary runoff elections.

(1) An election officer shall conduct a runoff election for any race where:

(a) only one candidate may win;

(b) more than three candidates appeared on the regular primary election ballot for the same qualified political party and the same office; and

(c) none of the candidates described in Subsection (1)(a) received more than 35% of the votes cast for that party for that office.

(2) (a) The runoff election described in Subsection (1) is between the two candidates in the same qualified political party who received the highest number of votes in the race.

(b) If a tie makes it impossible to identify two candidates who received the highest number of votes for purposes of holding a runoff election, the election officer shall resolve the tie, and eliminate the excess number of candidates, by lot cast in the presence of the candidates who tied or in the presence of the candidates appointed representatives.

(3) For a runoff election described in this section:

(a) the election officer shall:

(i) give notice of the runoff election in accordance with rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the director of elections within the Office of the Lieutenant Governor;

(ii) deliver runoff election ballots to military and overseas voters no later than 45 days before the day of the runoff election;

(iii) hold the runoff election on the last Tuesday in August; and

(iv) conduct the election entirely by absentee ballot, in accordance with Section [20A-3-302](#);

(b) the county canvass is seven days after the day of the runoff election; and

(c) the lieutenant governor's canvass of statewide and multicounty elections is nine days after the day of the runoff election.

(4) For a runoff election described in this section that is held entirely within a single county:

(a) the county shall pay 70% of the total cost of the runoff election, as determined by the lieutenant governor; and

1609 **(b) the state shall pay 30% of the total cost of the runoff election, as determined by the**
1610 **lieutenant governor.**

1611 **(5) For a multicounty runoff election described in this section:**

1612 **(a) the counties where the election is held shall pay 70% of the total cost of the runoff**
1613 **election, as determined by the lieutenant governor, prorated based on the eligible voting**
1614 **population that resides within the district to which the election relates; and**

1615 **(b) the state shall pay 30% of the total cost of the runoff election, as determined by the**
1616 **lieutenant governor.**

1617 Section 18. Section **20A-9-701** is amended to read:

1618 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1619 **(1) [No] In a regular general election year, no later than 10 days after the day of the**
1620 **runoff election, or, if a runoff election is not held, no later than August 31 [of each regular**
1621 **general election year]**, the lieutenant governor shall certify to each county clerk, for offices to
1622 be voted upon at the regular general election in that county clerk's county:

1623 **(a) the names of each candidate nominated under Subsection 20A-9-202(4) or**
1624 **Subsection 20A-9-403(5); [and]**

1625 **(b) the names of the candidates for president and vice president that are certified by the**
1626 **registered political party as the party's nominees[-]; and**

1627 **(c) the name of each unaffiliated candidate who will appear on the general election**
1628 **ballot.**

1629 **(2) The [names shall be certified by the] lieutenant governor [and shall be displayed]**
1630 **shall certify and display each name on the ballot as [they are] the name is provided on the**
1631 **candidate's declaration of candidacy. No other names may appear on the ballot as affiliated**
1632 **with, endorsed by, or nominated by any other registered political party, political party, or other**
1633 **political group.**

1634 Section 19. Section **20A-12-201** is amended to read:

1635 **20A-12-201. Judicial appointees -- Retention elections.**

1636 **(1) (a) Each judicial appointee to a court is subject to an unopposed retention election**
1637 **at the first general election held more than three years after the judge or justice was appointed.**

1638 **(b) After the first retention election:**

1639 **(i) each Supreme Court justice shall be on the regular general election ballot for an**

unopposed retention election every tenth year; and

(ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on April 1 and ending at 5 p.m. on April 15 in the year of a regular general election; and

(ii) pay a filing fee of \$50.

(b) (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:

(A) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on April 1 and ending at 5 p.m. on April 15 in the year of a regular general election; and

(B) pay a filing fee of \$25 for each judicial office.

(ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

~~[(3) (a) The lieutenant governor shall, no later than August 31 of each regular general election year:]~~

(3) (a) In a regular general election year, no later than 10 days after the day of the runoff election, or, if a runoff election is not held, no later than August 31, the lieutenant governor shall:

(i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

1671 (b) Each county clerk shall place the names of justices and judges standing for
1672 retention election in the nonpartisan section of the ballot.

1673 (4) (a) At the general election, the ballots shall contain, as to each justice or judge of
1674 any court to be voted on in the county, the following question:

1675 "Shall _____ (name of justice or judge) be retained in the
1676 office of _____? (name of office, such as "Justice of the Supreme
1677 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the
1678 Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";
1679 "Justice Court Judge of (name of county) County or (name of municipality)")

1680 Yes ()

1681 No ()."

1682 (b) If a justice court exists by means of an interlocal agreement under Section
1683 78A-7-102, the ballot question for the judge shall include the name of that court.

1684 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge
1685 is retained for the term of office provided by law.

1686 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
1687 judge is not retained, and a vacancy exists in the office on the first Monday in January after the
1688 regular general election.

1689 (6) A justice or judge not retained is ineligible for appointment to the office for which
1690 the justice or judge was defeated until after the expiration of that term of office.

1691 (7) If a justice court judge is standing for retention for more than one office, the county
1692 clerk shall place the judge's name on the ballot separately for each office. If the justice court
1693 judge receives more no votes than yes votes in one office, but more yes votes than no votes in
1694 the other, the justice court judge shall be retained only in the office for which the judge
1695 received more yes votes than no votes.

1696 Section 20. Section 20A-14-203 is amended to read:

1697 **20A-14-203. Becoming a member of a local board of education -- Declaration of**
1698 **candidacy -- Election.**

1699 (1) An individual may become a candidate for a local school board:

1700 ~~[(a) (i) in the 2016 general election, by filing a declaration of candidacy with the~~
1701 ~~county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or]~~

1702 ~~[(ii) in a general election held after 2016,]~~
1703 (a) by filing a declaration of candidacy with the county clerk;
1704 (i) on or after the ~~[second Friday in March, and before 5 p.m. on the third Thursday in~~
1705 ~~March, before the next]~~ first business day following January 1 of the regular general election
1706 year; and
1707 (ii) on or before the fifth business day following January 1 of the regular general
1708 election year; and
1709 (b) by paying the fee described in Section 20A-9-202.
1710 (2) (a) The term of office for an individual elected to a local board of education is four
1711 years, beginning on the first Monday in January after the election.
1712 (b) A member of a local board of education shall serve until a successor is elected or
1713 appointed and qualified.
1714 (c) A member of a local board of education is "qualified" when the member takes or
1715 signs the constitutional oath of office.
1716 Section 21. Section **20A-16-502** is amended to read:
1717 **20A-16-502. Publication of election notice.**
1718 (1) ~~[At least 100 days before an election, other than a statewide special election or local~~
1719 ~~special election, and as soon as practicable before a statewide special election or local special~~
1720 ~~election, the]~~ The election officer shall prepare an election notice for the election officer's
1721 jurisdiction, to be used in conjunction with a federal write-in absentee ballot[:];
1722 (a) 10 days after a regular primary election; or
1723 (b) for a statewide special election or a local election, as soon as practicable before the
1724 election.
1725 (2) The election notice must contain:
1726 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
1727 that date the election officer expects to be on the ballot on the date of the election; and
1728 (b) specific instructions for how a covered voter is to indicate on the federal write-in
1729 absentee ballot the covered voter's choice for each office to be filled and for each ballot
1730 proposition to be contested.
1731 (3) (a) A covered voter may request a copy of an election notice.
1732 (b) The election officer shall send the notice to the covered voter by facsimile, email,

1733 or regular mail, as the covered voter requests.

1734 (4) As soon as the ballot is certified, and not later than the date ballots are required to
1735 be transmitted to voters under Chapter 3, Part 3, Absentee Voting, the election officer charged
1736 with preparing the election notice under Subsection (1) shall update the notice with the
1737 certified candidates for each office and ballot propositions and make the updated notice
1738 publicly available.

1739 (5) A political subdivision that maintains a website shall make the election notice
1740 prepared under this section and updated versions of the election notice regularly available on
1741 the website.

1742 Section 22. **Repealer.**

1743 This bill repeals:

1744 Section **20A-5-409**, **Certification of candidates to county clerks.**

1745 Section **20A-9-411**, **Signing multiple nomination petitions.**

Legislative Review Note
Office of Legislative Research and General Counsel