

Representative Jeffrey D. Stenquist proposes the following substitute bill:

BALLOT INFORMATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Election Code regarding candidates' names on ballots.

Highlighted Provisions:

This bill:

- ▶ specifies the acceptable form for a candidate's name on a ballot;
- ▶ subject to certain exceptions, prohibits the use of a candidate's nickname on a ballot;

and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-1-306, as last amended by Laws of Utah 2020, Chapter 31

17B-2a-1205, as last amended by Laws of Utah 2020, Chapters 282 and 397

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

20A-6-301, as last amended by Laws of Utah 2020, Chapters 31, 49, and 344



- 26 **20A-6-302**, as last amended by Laws of Utah 2020, Chapter 31
- 27 **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49
- 28 **20A-6-401**, as last amended by Laws of Utah 2020, Chapter 31
- 29 **20A-6-401.1**, as last amended by Laws of Utah 2020, Chapter 31
- 30 **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31
- 31 **20A-9-403**, as last amended by Laws of Utah 2020, Chapter 22
- 32 **20A-12-201**, as last amended by Laws of Utah 2020, Chapter 401



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

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

36 **17B-1-306. Local district board -- Election procedures.**

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

39 (2) (a) Each election of a local district board member shall be held:

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

42 (ii) at polling places designated by the local district board in consultation with the
43 county clerk for each county in which the local district is located, which polling places shall
44 coincide with municipal general election or regular general election polling places, as
45 applicable, whenever feasible.

46 (b) The local district board, in consultation with the county clerk, may consolidate two
47 or more polling places to enable voters from more than one district to vote at one consolidated
48 polling place.

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

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

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

57 (a) each elective position of the local district to be filled at the next municipal general
58 election or regular general election, as applicable;

59 (b) the constitutional and statutory qualifications for each position; and

60 (c) the dates and times for filing a declaration of candidacy.

61 (4) The clerk of the local district shall publish the notice described in Subsection (3):

62 (a) by posting the notice on the Utah Public Notice Website created in Section
63 63F-1-701, for 10 days before the first day for filing a declaration of candidacy; and

64 (b) (i) by posting the notice in at least five public places within the local district at least
65 10 days before the first day for filing a declaration of candidacy; or

66 (ii) publishing the notice:

67 (A) in a newspaper of general circulation within the local district at least three but no
68 more than 10 days before the first day for filing a declaration of candidacy;

69 (B) in accordance with Section 45-1-101, for 10 days before the first day for filing a
70 declaration of candidacy; and

71 (c) if the local district has a website, on the local district's website for 10 days before
72 the first day for filing a declaration of candidacy.

73 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
74 local district board position, an individual shall file a declaration of candidacy in person with
75 an official designated by the local district, during office hours, within the candidate filing
76 period for the applicable election year in which the election for the local district board is held.

77 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
78 filing time shall be extended until the close of normal office hours on the following regular
79 business day.

80 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
81 declaration of candidacy with the official designated by the local district if:

82 (i) the individual is located outside of the state during the entire filing period;

83 (ii) the designated agent appears in person before the official designated by the local
84 district; and

85 (iii) the individual communicates with the official designated by the local district using
86 an electronic device that allows the individual and official to see and hear each other.

87 (d) (i) Before the filing officer may accept any declaration of candidacy from an

88 individual, the filing officer shall:

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

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

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

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

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

97 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
98 _____, City of _____, County of _____, state of Utah, (Zip
99 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
100 office of board of trustees member for _____ (state the name of the local
101 district); that I am a candidate for that office to be voted upon at the next election; and that, if
102 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
103 period, and I hereby request that my name be printed upon the official ballot for that election.

104 (Signed) _____

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

107 (Signed) _____

108 (Clerk or Notary Public)"

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

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

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

116 (i) If only one candidate files a declaration of candidacy and there is no write-in
117 candidate who complies with Section 20A-9-601, the board, in accordance with Section
118 20A-1-206, may:

- 119 (i) consider the candidate to be elected to the position; and
120 (ii) cancel the election.
- 121 (6) (a) A primary election may be held if:
122 (i) the election is authorized by the local district board; and
123 (ii) the number of candidates for a particular local board position or office exceeds
124 twice the number of persons needed to fill that position or office.
- 125 (b) The primary election shall be conducted:
126 (i) on the same date as the municipal primary election or the regular primary election,
127 as applicable; and
128 (ii) according to the procedures for primary elections provided under Title 20A,
129 Election Code.
- 130 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
131 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
132 names to the clerk of each county in which the local district is located.
- 133 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
134 20A-6-305, the clerk of each county in which the local district is located and the local district
135 clerk shall coordinate the placement and form of the name of each candidate for local district
136 office in the nonpartisan section of the ballot with the appropriate election officer.
- 137 (ii) If consolidation of the local district election ballot with the municipal general
138 election ballot or the regular general election ballot, as applicable, is not feasible, the local
139 district board of trustees, in consultation with the county clerk, shall provide for a separate
140 local district election ballot to be administered by poll workers at polling locations designated
141 under Subsection (2).
- 142 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
143 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 144 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
145 prescribe the form of the ballot for each board member election.
- 146 (B) Each ballot for an election of an irrigation district board member shall be in a
147 nonpartisan format.
- 148 (C) The name of each candidate shall be placed on the ballot in the order and form
149 specified under Section 20A-6-305.

150 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

151 (i) be a registered voter within the district, except for an election of:

152 (A) an irrigation district board of trustees member; or

153 (B) a basic local district board of trustees member who is elected by property owners;

154 and

155 (ii) meet the requirements to vote established by the district.

156 (b) Each voter may vote for as many candidates as there are offices to be filled.

157 (c) The candidates who receive the highest number of votes are elected.

158 (9) Except as otherwise provided by this section, the election of local district board
159 members is governed by Title 20A, Election Code.

160 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
161 local district board shall serve a four-year term, beginning at noon on the January 1 after the
162 person's election.

163 (b) A person elected shall be sworn in as soon as practical after January 1.

164 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
165 the county or municipality holding an election under this section for the costs of the election
166 attributable to that local district.

167 (b) Each irrigation district shall bear its own costs of each election it holds under this
168 section.

169 (12) This section does not apply to an improvement district that provides electric or gas
170 service.

171 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
172 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

173 (14) (a) As used in this Subsection (14), "board" means:

174 (i) a local district board; or

175 (ii) the administrative control board of a special service district that has elected
176 members on the board.

177 (b) A board may hold elections for membership on the board at a regular general
178 election instead of a municipal general election if the board submits an application to the
179 lieutenant governor that:

180 (i) requests permission to hold elections for membership on the board at a regular

181 general election instead of a municipal general election; and

182 (ii) indicates that holding elections at the time of the regular general election is
183 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
184 material reason.

185 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
186 governor may approve the application if the lieutenant governor concludes that holding the
187 elections at the regular general election is beneficial based on the criteria described in
188 Subsection (14)(b)(ii).

189 (d) If the lieutenant governor approves a board's application described in this section:

190 (i) all future elections for membership on the board shall be held at the time of the
191 regular general election; and

192 (ii) the board may not hold elections at the time of a municipal general election unless
193 the board receives permission from the lieutenant governor to hold all future elections for
194 membership on the board at a municipal general election instead of a regular general election,
195 under the same procedure, and by applying the same criteria, described in this Subsection (14).

196 Section 2. Section **17B-2a-1205** is amended to read:

197 **17B-2a-1205. Public infrastructure district board -- Governing document.**

198 (1) The legislative body or board of the creating entity shall appoint the members of the
199 board, in accordance with the governing document.

200 (2) (a) Unless otherwise limited in the governing document and except as provided in
201 Subsection (2)(b), the initial term of each member of the board is four years.

202 (b) Notwithstanding Subsection (2)(a), approximately half of the members of the initial
203 board shall serve a six-year term so that, after the expiration of the initial term, the term of
204 approximately half the board members expires every two years.

205 (c) A board may elect that a majority of the board serve an initial term of six years.

206 (d) After the initial term, the term of each member of the board is four years.

207 (3) (a) Notwithstanding Subsection [17B-1-302\(1\)\(b\)](#), a board member is not required
208 to be a resident within the boundaries of the public infrastructure district if:

209 (i) all of the surface property owners consent to the waiver of the residency
210 requirement;

211 (ii) there are no residents within the boundaries of the public infrastructure district;

212 (iii) no qualified candidate timely files to be considered for appointment to the board;
213 or

214 (iv) no qualified individual files a declaration of candidacy for a board position in
215 accordance with Subsection 17B-1-306~~(4)~~(5).

216 (b) Except under the circumstances described in Subsection (3)(a)(iii) or (iv), the
217 residency requirement in Subsection 17B-1-302(1)(b) is applicable to any board member
218 elected for a division or board position that has transitioned from an appointed to an elected
219 board member in accordance with this section.

220 (c) An individual who is not a resident within the boundaries of the public
221 infrastructure district may not serve as a board member unless the individual is:

222 (i) an owner of land or an agent or officer of the owner of land within the boundaries of
223 the public infrastructure district; and

224 (ii) a registered voter at the individual's primary residence.

225 (4) (a) A governing document may provide for a transition from legislative body
226 appointment under Subsection (1) to a method of election by registered voters based upon
227 milestones or events that the governing document identifies, including a milestone for each
228 division or individual board position providing that when the milestone is reached:

229 (i) for a division, the registered voters of the division elect a member of the board in
230 place of an appointed member at the next municipal general election for the board position; or

231 (ii) for an at large board position established in the governing document, the registered
232 voters of the public infrastructure district elect a member of the board in place of an appointed
233 member at the next municipal general election for the board position.

234 (b) Regardless of whether a board member is elected under Subsection (4)(a), the
235 position of each remaining board member shall continue to be appointed under Subsection (1)
236 until the member's respective division or board position surpasses the density milestone
237 described in the governing document.

238 (5) (a) Subject to Subsection (5)(c), the board may, in the board's discretion but no
239 more frequently than every four years, reestablish the boundaries of each division so that each
240 division that has reached a milestone specified in the governing document, as described in
241 Subsection (4)(a), has, as nearly as possible, the same number of eligible voters.

242 (b) In reestablishing division boundaries under Subsection (5)(a), the board shall

243 consider existing or potential developments within the divisions which, when completed,
244 would increase or decrease the number of eligible voters within the division.

245 (c) The governing document may prohibit the board from reestablishing, without the
246 consent of the creating entity, the division boundaries as described in Subsection (5)(a).

247 (6) The public infrastructure district may not compensate a board member for the
248 member's service on the board under Section 17B-1-307 unless the board member is a resident
249 within the boundaries of the public infrastructure district.

250 (7) The governing document shall:

251 (a) include a boundary description and a map of the public infrastructure district;

252 (b) state the number of board members;

253 (c) describe any divisions of the public infrastructure district;

254 (d) establish any applicable property tax levy rate limit for the public infrastructure
255 district;

256 (e) establish any applicable limitation on the principal amount of indebtedness for the
257 public infrastructure district; and

258 (f) include other information that the public infrastructure district or the creating entity
259 determines to be necessary or advisable.

260 (8) (a) Except as provided in Subsection (8)(b), the board and the governing body of
261 the creating entity may amend a governing document by each adopting a resolution that
262 approves the amended governing document.

263 (b) Notwithstanding Subsection (8)(a), any amendment to a property tax levy rate
264 limitation requires the consent of:

265 (i) 100% of surface property owners within the boundaries of the public infrastructure
266 district; and

267 (ii) 100% of the registered voters, if any, within the boundaries of the public
268 infrastructure district.

269 (9) A board member is not in violation of Section 67-16-9 if the board member:

270 (a) discloses a business relationship in accordance with Sections 67-16-7 and 67-16-8
271 and files the disclosure with the creating entity:

272 (i) before any appointment or election; and

273 (ii) upon any significant change in the business relationship; and

274 (b) conducts the affairs of the public infrastructure district in accordance with this title
275 and any parameters described in the governing document.

276 (10) Notwithstanding any other provision of this section, the governing document
277 governs the number, appointment, and terms of board members of a public infrastructure
278 district created by the development authority.

279 Section 3. Section **20A-6-203** is amended to read:

280 **20A-6-203. Ballots for regular primary elections.**

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

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

284 (b) ensure that the ballots comply [~~generally~~], where applicable, with the requirements
285 of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, Subsection
286 20A-6-305(5), and this section; and

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

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

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

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

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

299 (iv) protect against fraud.

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

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

304 (ii) instruct individuals counting the ballots to count only those votes for candidates

305 from the registered political party whose ballot the voter received.

306 Section 4. Section **20A-6-301** is amended to read:

307 **20A-6-301. Paper ballots -- Regular general election.**

308 (1) Each election officer shall ensure that:

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

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

311 (ii) no symbols, markings, or other descriptions of a political party or group, except for

312 a registered political party that has chosen to nominate its candidates in accordance with

313 Section [20A-9-403](#); and

314 (iii) no indication that a candidate for elective office has been nominated by, or has

315 been endorsed by, or is in any way affiliated with a political party or group, unless the

316 candidate has been nominated by a registered political party in accordance with Subsection

317 [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#);

318 (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:

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

320 (ii) the date of the election; and

321 (iii) the words "certified by the Clerk of _____ County" or, as applicable, the

322 name of a combined office that includes the duties of a county clerk;

323 (c) unaffiliated candidates, candidates not affiliated with a registered political party,

324 and all other candidates for elective office who were not nominated by a registered political

325 party in accordance with Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#), are listed with

326 the other candidates for the same office in accordance with Section [20A-6-305](#), without a party

327 name or title;

328 (d) each ticket containing the lists of candidates, including the party name and device,

329 are separated by heavy parallel lines;

330 (e) the offices to be filled are plainly printed immediately above the names of the

331 candidates for those offices;

332 (f) the names of candidates are printed in capital letters, not less than one-eighth nor

333 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between

334 lines or rules three-eighths of an inch apart; and

335 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in

336 which a write-in candidate is qualified under Section 20A-9-601:

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

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

343 (2) An election officer shall ensure that:

344 (a) each individual nominated by any registered political party under Subsection
345 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:

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

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

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

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

353 (d) the ballots contain no other names.

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

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

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

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

361 (d) the nonpartisan candidates are grouped according to the office for which they are
362 candidates;

363 (e) the names in each group are placed in the order and form specified under Section
364 20A-6-305 with the surnames last; and

365 (f) each group is preceded by the designation of the office for which the candidates
366 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of

367 candidates for which the voter may vote)," according to the number to be elected.

368 (4) Each election officer shall ensure that:

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

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

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

375 Section 5. Section 20A-6-302 is amended to read:

376 **20A-6-302. Manual ballots -- Placement of candidates' names.**

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

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

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

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

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

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

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

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

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

401 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
402 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
403 two consecutive terms immediately preceding the term for which the candidate is seeking
404 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
405 unopposed candidate the same as any other unopposed candidate for another office, unless a
406 petition is filed with the county clerk before 5 p.m. no later than one day before that year's
407 primary election that:

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

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

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

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

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

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

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

429 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
430 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
431 two consecutive terms immediately preceding the term for which the candidate is seeking
432 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an
433 unopposed candidate the same as any other unopposed candidate for another office, unless a
434 petition is filed with the county clerk before 5 p.m. no later than one day before that year's
435 primary election that:

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

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

441 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
442 **Publication -- Surname -- Exemptions -- Ballot order.**

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

446 (2) The lieutenant governor shall:

447 (a) within 30 days after the candidate filing deadline in each even-numbered year,
448 conduct a random selection to create a master ballot position list for all elections in accordance
449 with procedures established under Subsection (2)(c);

450 (b) publish the master ballot position list on the lieutenant governor's election website
451 no later than 15 days after creating the list; and

452 (c) establish written procedures for:

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

454 (ii) the lieutenant governor in:

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

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

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

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

462 (a) the candidate's surname;

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

465 (c) the surname of the president and the surname of the governor for an election for the
466 offices of president and vice president and governor and lieutenant governor.

467 (5) (a) A candidate's name on a ballot may include only:

468 (i) the candidate's given name;

469 (ii) the candidate's middle name;

470 (iii) the candidate's surname;

471 (iv) an abbreviation or variation of the candidate's given name, middle name, or
472 surname commonly used for individuals with that name;

473 (v) an acquired name other than the candidate's given name if, at the time of filing, the
474 candidate provides documentary evidence that the candidate is generally known by the acquired
475 name and has used the acquired name for five years or longer;

476 (vi) the candidate's initial or initials; or

477 (vii) a combination of the items in Subsections (5)(a)(i) through (vi).

478 (b) Except as expressly permitted by Subsection (5)(a), a candidate's nickname may not
479 be included on a ballot.

480 [~~5~~] (6) Subsections (1) through (4) do not apply to:

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

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

483 [~~6~~] (7) Subject to Subsection [~~7~~] (8), each ticket that appears on a ballot for an
484 election shall appear separately, in the following order:

485 (a) for federal office:

486 (i) president and vice president of the United States;

487 (ii) United States Senate office; and

488 (iii) United States House of Representatives office;

489 (b) for state office:

490 (i) governor and lieutenant governor;

- 491 (ii) attorney general;
- 492 (iii) state auditor;
- 493 (iv) state treasurer;
- 494 (v) state Senate office;
- 495 (vi) state House of Representatives office; and
- 496 (vii) State Board of Education member;
- 497 (c) for county office:
- 498 (i) county executive office;
- 499 (ii) county legislative body member;
- 500 (iii) county assessor;
- 501 (iv) county or district attorney;
- 502 (v) county auditor;
- 503 (vi) county clerk;
- 504 (vii) county recorder;
- 505 (viii) county sheriff;
- 506 (ix) county surveyor;
- 507 (x) county treasurer; and
- 508 (xi) local school board member;
- 509 (d) for municipal office:
- 510 (i) mayor; and
- 511 (ii) city or town council member;
- 512 (e) elected planning and service district council member;
- 513 (f) judicial retention questions; and
- 514 (g) ballot propositions not described in Subsection [~~6~~] (7)(f).
- 515 [~~7~~] (8) (a) A ticket for a race for a combined office shall appear on the ballot in the
- 516 place of the earliest ballot ticket position that is reserved for an office that is subsumed in the
- 517 combined office.
- 518 (b) Each ticket, other than a ticket described in Subsection [~~6~~] (7)(f), shall list:
- 519 (i) each candidate in accordance with Subsections (1) through [~~4~~] (5); and
- 520 (ii) except as otherwise provided in this title, the party name, initials, or title following
- 521 each candidate's name.

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

523 **20A-6-401. Ballots for municipal primary elections.**

524 (1) Each election officer shall ensure that:

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

526 (i) "Official Primary Ballot for ____ (City, Town, or Metro Township), Utah";

527 (ii) the date of the election; and

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

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

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

536 (d) after the rules, the designation of the office for which the candidates seek
537 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
538 for up to ____ (the number of candidates for which the voter may vote)" are printed to extend
539 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

540 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
541 between lines or rules three-eighths inch apart, in the order and form specified under Section
542 [20A-6-305](#) with surnames last and grouped according to the office that they seek;

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

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

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

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

549 **20A-6-401.1. Ballots for partisan municipal primary elections.**

550 (1) An election officer shall ensure that:

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

552 (i) separate the candidates of one political party from those of the other political

- 553 parties; and
- 554 (ii) contain no captions or other endorsements except as provided in this section;
- 555 (b) the names of all candidates from each party are listed on the same ballot in one or
- 556 more columns under their party name and emblem;
- 557 (c) the political parties are printed on the ballot in the order and form specified under
- 558 Section [20A-6-305](#);
- 559 (d) the following endorsements are printed in 18-point bold type:
- 560 (i) "Official Primary Ballot for ____ (name of municipality), Utah";
- 561 (ii) the date of the election; and
- 562 (iii) a facsimile of the signature of the election officer and the election officer's title in
- 563 eight point type;
- 564 (e) after the facsimile signature, the political party emblem and the name of the
- 565 political party are printed;
- 566 (f) after the party name and emblem, the ballot contains the following printed in not
- 567 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a
- 568 candidate, mark the space following the name of the person for whom you wish to vote and in
- 569 no other place. Do not vote for any candidate listed under more than one party or group
- 570 designation.", followed by two one-point parallel horizontal rules;
- 571 (g) after the rules, the designation of the office for which the candidates seek
- 572 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
- 573 for up to ____ (the number of candidates for which the voter may vote)" are printed to extend
- 574 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;
- 575 (h) after the hair-line rule, the names of the candidates are printed in heavy face type
- 576 between lines or rules three-eighths inch apart, in the order and form specified under Section
- 577 [20A-6-305](#) with surnames last and grouped according to the office that they seek;
- 578 (i) a square with sides not less than one-fourth inch long is printed immediately
- 579 adjacent to the names of the candidates;
- 580 (j) the candidate groups are separated from each other by one light and one heavy line
- 581 or rule; and
- 582 (k) the nonpartisan candidates are listed as follows:
- 583 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"

584 is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of
585 the party listing above; and

586 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
587 candidate's name, the voting square, and any other necessary information is printed in the same
588 style and manner as for party candidates.

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

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

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

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

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

598 **20A-6-402. Ballots for municipal general elections.**

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

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

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

606 (c) for other offices:

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

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

612 (d) the names of the candidates are placed on the ballot in the order and form specified
613 under Section [20A-6-305](#);

614 (e) in an election in which a voter is authorized to cast a write-in vote and where a

615 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the
616 ballot that contains, for each office in which there is a qualified write-in candidate:

- 617 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
- 618 (ii) a square or other conforming area that is adjacent to or opposite the blank
619 horizontal line to enable the voter to indicate the voter's vote;
- 620 (f) ballot propositions that have qualified for the ballot, including propositions
621 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
622 listed on the ballot in accordance with Section 20A-6-107; and
- 623 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
624 title assigned to each bond proposition under Section 11-14-206.

625 (2) Except as otherwise required for a race conducted by instant runoff voting under
626 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a
627 mechanical ballot at municipal general elections, each election officer shall ensure that:

- 628 (a) the following endorsements are displayed on the first portion of the ballot:
 - 629 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
 - 630 (ii) the date of the election; and
 - 631 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 632 (b) immediately below the election officer's title, a distinct border or line separates the
633 endorsements from the rest of the ballot;
- 634 (c) immediately below the border or line, an "Instructions to Voters" section is
635 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
636 the candidate(s) for each respective office." followed by another border or line;
- 637 (d) after the border or line, the designation of the office for which the candidates seek
638 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
639 candidates for which the voter may vote)" are displayed, followed by a line or border;
- 640 (e) after the line or border, the names of the candidates are displayed in the order and
641 form specified under Section 20A-6-305 with surnames last and grouped according to the
642 office that they seek;
- 643 (f) a voting square or position is located adjacent to the name of each candidate;
- 644 (g) following the name of the last candidate for each office in which a write-in
645 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the

646 voter may enter the name of and vote for a valid write-in candidate for the office; and

647 (h) the candidate groups are separated from each other by a line or border.

648 (3) When a municipality has chosen to nominate candidates by convention or
649 committee, the election officer shall ensure that the party name is included with the candidate's
650 name on the ballot.

651 Section 10. Section **20A-9-403** is amended to read:

652 **20A-9-403. Regular primary elections.**

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

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

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

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

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

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

676 (ii) if the registered political party participates in the upcoming regular primary

677 election, identify one or more registered political parties whose members may vote for the
678 registered political party's candidates and whether individuals identified as unaffiliated with a
679 political party may vote for the registered political party's candidates.

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

683 (ii) An organization that is seeking to become a registered political party under Section
684 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
685 political party files the petition described in Section 20A-8-103.

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

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

692 (ii) signed by at least 2% of the registered political party's members who reside in the
693 political division of the office that the individual seeks.

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

697 (ii) A candidate may supplement the candidate's submissions at any time on or before
698 the filing deadline.

699 (c) (i) The lieutenant governor shall determine for each elective office the total number
700 of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting
701 the aggregate number of individuals residing in each elective office's political division who
702 have designated a particular registered political party on the individuals' voter registration
703 forms on or before November 15 of each odd-numbered year.

704 (ii) The lieutenant governor shall publish the determination for each elective office no
705 later than November 30 of each odd-numbered year.

706 (d) The filing officer shall:

707 (i) verify signatures on nomination petitions in a transparent and orderly manner, no

708 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

709 (ii) for all qualifying candidates for elective office who submit nomination petitions to
710 the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline
711 described in Subsection 20A-9-202(1)(b);

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

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

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

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

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

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

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

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

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

732 (g) The county clerk shall:

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

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

738 (iii) determine the order and form of the local board of education candidates' names on

739 the ballot in accordance with Section 20A-6-305.

740 (4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
741 governor shall provide to the county clerks:

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

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

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

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

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

759 (5) (a) A candidate who, at the regular primary election, receives the highest number of
760 votes cast for the office sought by the candidate is:

761 (i) nominated for that office by the candidate's registered political party; or

762 (ii) for a nonpartisan local school board position, nominated for that office.

763 (b) If two or more candidates are to be elected to the office at the regular general
764 election, those party candidates equal in number to positions to be filled who receive the
765 highest number of votes at the regular primary election are the nominees of the candidates'
766 party for those positions.

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

768 (A) no individual other than the candidate receives a certification under Subsection (3)
769 for the regular primary election ballot of the candidate's registered political party for a

770 particular elective office; or

771 (B) for an office where more than one individual is to be elected or nominated, the
772 number of candidates who receive certification under Subsection (3) for the regular primary
773 election of the candidate's registered political party does not exceed the total number of
774 candidates to be elected or nominated for that office.

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

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

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

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

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

793 Section 11. Section **20A-12-201** is amended to read:

794 **20A-12-201. Judicial appointees -- Retention elections.**

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

797 (b) After the first retention election:

798 (i) each Supreme Court justice shall be on the regular general election ballot for an
799 unopposed retention election every tenth year; and

800 (ii) each judge of other courts shall be on the regular general election ballot for an

801 unopposed retention election every sixth year.

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

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

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

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

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

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

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

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

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

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

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

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

829 (4) (a) At the general election, the ballots shall contain:

830 (i) at the beginning of the judicial retention section of the ballot, the following
831 statement:

832 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation
833 Commission's recommendations for each judge"; and

834 (ii) as to each justice or judge of any court to be voted on in the county, the following
835 question:

836 "Shall _____ (name of justice or judge, in the form
837 specified under Subsection 20A-6-305(5)) be retained in the office of
838 _____? (name of office, such as "Justice of the Supreme Court of
839 Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the Third
840 Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "Justice
841 Court Judge of (name of county) County or (name of municipality)")

842 Yes ()

843 No ()."

844 (b) If a justice court exists by means of an interlocal agreement under Section
845 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

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

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

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

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