

ELECTION LAW AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill amends provisions in the Election Code.

Highlighted Provisions:

This bill:

- ▶ prohibits a voter from using a sticker or label to cast a vote on a paper ballot for a write-in candidate;
- ▶ changes the deadline for filing a declaration of candidacy as a write-in candidate;
- ▶ amends provisions related to municipal candidate nomination processes;
- ▶ establishes a filing fee for a write-in candidate; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

20A-3-105, as last amended by Laws of Utah 2018, Chapter 187

20A-3-106, as last amended by Laws of Utah 2015, Chapter 296

20A-9-203, as last amended by Laws of Utah 2018, Chapters 11 and 365

20A-9-404, as last amended by Laws of Utah 2018, Chapters 187 and 274

20A-9-601, as last amended by Laws of Utah 2018, Chapters 11 and 80

Utah Code Sections Affected by Coordination Clause:

30 **20A-9-404**, as last amended by Laws of Utah 2018, Chapters 187 and 274

31

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

33 Section 1. Section **20A-3-105** is amended to read:

34 **20A-3-105. Marking and depositing ballots.**

35 (1) (a) Except as provided in Subsection (5), if a paper ballot is used, the voter, upon
36 receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the
37 appropriate position with a mark opposite the name of each candidate of the voter's choice for
38 each office to be filled.

39 (b) Except as provided in Subsections (5) and (6), a mark is not required opposite the
40 name of a write-in candidate.

41 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in
42 the appropriate square with a mark opposite the answer the voter intends to make.

43 (d) Before leaving the booth, the voter shall:

44 (i) fold the ballot so that its contents are concealed and the stub can be removed; and

45 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
46 envelope and complete the information printed on the envelope.

47 (2) (a) (i) Subject to Subsection (5), if a punch card ballot is used, the voter shall insert
48 the ballot sheet into the voting device and mark the ballot sheet according to the instructions
49 provided on the device.

50 (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the
51 voter shall record any write-in votes on the long stub.

52 (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record
53 any write-in votes on the secrecy envelope.

54 (b) After the voter has marked the ballot sheet, the voter shall either:

55 (i) place the ballot sheet inside the secrecy envelope, if one is provided; or

56 (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the
57 vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.

58 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
59 provisional ballot envelope and complete the information printed on the envelope.

60 (3) (a) Subject to Subsection (5), if a ballot sheet other than a punch card is used, the
61 voter shall mark the ballot sheet according to the instructions provided on the voting device or
62 ballot sheet.

63 (b) Except as provided in Subsections (5) and (6), the voter shall record a write-in vote
64 by:

65 (i) marking the position opposite the area for entering a write-in candidate; and

66 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
67 ~~[for by means of: (A) writing; (B) a label; or (C)-]~~ by writing the name of the candidate in the
68 blank write-in section of the ballot or entering the name using the voting device.

69 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
70 provisional ballot envelope and complete the information printed on the envelope.

71 (4) (a) Subject to Subsection (5), if an electronic ballot is used, the voter shall:

72 (i) insert the ballot access card into the voting device; and

73 (ii) make the selections according to the instructions provided on the device.

74 (b) Except as provided in Subsections (5) and (6), the voter shall record a write-in vote
75 by:

76 (i) marking the appropriate position opposite the area for entering a write-in candidate;
77 and

78 (ii) using the voting device to enter the name of the valid write-in candidate for whom
79 the voter wishes to vote.

80 (5) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,
81 Municipal Alternate Voting Methods Pilot Project, a voter:

82 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
83 first preference for the office; and

84 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
85 order of the voter's preference.

- 86 (6) After preparation of the ballot:
- 87 (a) if a paper ballot or punch card ballot is used:
- 88 (i) the voter shall:
- 89 (A) leave the voting booth; and
- 90 (B) announce the voter's name to the poll worker in charge of the ballot box;
- 91 (ii) the poll worker in charge of the ballot box shall:
- 92 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 93 the voter's ballot;
- 94 (B) if the stub number on the ballot corresponds with the number previously recorded
- 95 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;
- 96 and
- 97 (C) return the ballot to the voter;
- 98 (iii) the voter shall, in full view of the poll workers, cast the voter's vote by depositing
- 99 the ballot in the ballot box; and
- 100 (iv) if the stub has been detached from the ballot:
- 101 (A) the poll worker may not accept the ballot; and
- 102 (B) the poll worker shall:
- 103 (I) treat the ballot as a spoiled ballot;
- 104 (II) provide the voter with a new ballot; and
- 105 (III) dispose of the spoiled ballot as provided in Section [20A-3-107](#);
- 106 (b) if a ballot sheet other than a punch card is used:
- 107 (i) the voter shall:
- 108 (A) leave the voting booth; and
- 109 (B) announce the voter's name to the poll worker in charge of the ballot box;
- 110 (ii) the poll worker in charge of the ballot box shall:
- 111 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 112 the voter's ballot; and
- 113 (B) if the stub number on the ballot corresponds with the number previously recorded

114 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
115 and

116 (iii) the voter shall, in full view of the poll workers, cast ~~his~~ the voter's vote by
117 depositing the ballot in the ballot box; and

118 (c) if an electronic ballot is used, the voter shall:

119 (i) cast the voter's ballot;

120 (ii) remove the ballot access card from the voting device; and

121 (iii) return the ballot access card to a designated poll worker.

122 (7) A voter voting a paper ballot in a regular primary election shall, after marking the
123 ballot:

124 (a) (i) if the ballot is designed so that the names of all candidates for all political parties
125 are on the same ballot, detach the part of the paper ballot containing the names of the
126 candidates of the party the voter has voted from the remainder of the paper ballot;

127 (ii) fold that portion of the paper ballot so that its face is concealed; and

128 (iii) deposit it in the ballot box; and

129 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of
130 the parties that the elector did not vote; and

131 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot
132 box.

133 (8) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
134 leave the voting area after voting.

135 (b) A voter may not:

136 (i) occupy a voting booth occupied by another, except as provided in Section
137 [20A-3-108](#);

138 (ii) remain within the voting area more than 10 minutes; or

139 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
140 voters are waiting to occupy them.

141 (9) If the official register shows any voter as having voted, that voter may not reenter

142 the voting area during that election unless that voter is an election official or watcher.

143 (10) The poll workers may not allow more than four voters more than the number of
144 voting booths into the voting area at one time unless those excess voters are:

- 145 (a) election officials;
- 146 (b) watchers; or
- 147 (c) assisting voters with a disability.

148 Section 2. Section **20A-3-106** is amended to read:

149 **20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect**
150 **of unnecessary marking of cross.**

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

- 153 (a) mark in the circle or position above that political party;
- 154 (b) mark in the squares or position opposite the names of all candidates for that party
155 ticket; or
- 156 (c) make both markings.

157 (2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates who
158 are listed on the ballot as being from any one registered political party may:

- 159 (i) mark the selected party on the straight party page or section; or
- 160 (ii) mark the name of each candidate from that party.
- 161 (b) To vote for candidates from two or more political parties, the voter may:
 - 162 (i) mark in the squares or positions opposite the names of the candidates for whom the
163 voter wishes to vote without marking in any circle; or
 - 164 (ii) indicate the voter's choice by:

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

166 (B) marking in the squares or positions opposite the names of desired candidates who
167 are members of any party, are unaffiliated, or are listed without party name.

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

- 170 (i) select that party on the straight party selection area; or
- 171 (ii) select the name of each candidate from that party.
- 172 (b) To vote for candidates from two or more political parties, the voter may:
- 173 (i) select the names of the candidates for whom the voter wishes to vote without
- 174 selecting a political party in the straight party selection area; or
- 175 (ii) (A) select a political party in the straight party selection area; and
- 176 (B) select the names of the candidates for whom the voter wishes to vote who are
- 177 members of any party, are unaffiliated, or are listed without party name.
- 178 (4) In any election other than a primary election, if a voter voting a ballot has selected
- 179 or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote
- 180 for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall
- 181 select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.
- 182 (5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet~~[(i) by~~
- 183 ~~entering the name of a valid write-in candidate:(A)-]~~ by writing the name of a valid write-in
- 184 candidate in the blank write-in section of the ballot~~[-or].~~
- 185 ~~[(B) by affixing a sticker with the office and name of the valid write-in name printed~~
- 186 ~~on it in the blank write-in part of the ballot; and]~~
- 187 ~~[(ii) by placing a mark opposite the name of the write-in candidate to indicate the~~
- 188 ~~voter's vote.]~~
- 189 ~~[(b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person~~
- 190 ~~whose name is written or whose sticker appears in the blank write-in part of the ballot, if a~~
- 191 ~~mark is made opposite that name:]~~
- 192 ~~[(c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on~~
- 193 ~~the ticket below the marked circle does not affect the validity of the vote:]~~
- 194 (b) A voter may not cast a write-in vote on a paper ballot or ballot sheet by affixing a
- 195 sticker or label with the name of a write-in candidate in the blank write-in section of the ballot.
- 196 (6) The voter may cast a write-in vote on an electronic ballot by:
- 197 (a) marking the appropriate position opposite the area for entering a write-in candidate

198 for the office sought by the candidate for whom the voter wishes to vote; and

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

200 Section 3. Section 20A-9-203 is amended to read:

201 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

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

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

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

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

223 (i) except as provided in Subsection (3)(b), and subject to Subsection 20A-9-404(3)(e),
224 file a declaration of candidacy, in person with the city recorder or town clerk, during the office
225 hours described in Section 10-3-301 and not later than the close of those office hours, between

226 June 1 and June 7 of any odd-numbered year; and
227 (ii) pay the filing fee, if one is required by municipal ordinance.
228 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
229 declaration of candidacy with the city recorder or town clerk if:
230 (i) the individual is located outside of the state during the entire filing period;
231 (ii) the designated agent appears in person before the city recorder or town clerk;
232 (iii) the individual communicates with the city recorder or town clerk using an
233 electronic device that allows the individual and city recorder or town clerk to see and hear each
234 other; and
235 (iv) the individual provides the city recorder or town clerk with an email address to
236 which the city recorder or town clerk may send the individual the copies described in
237 Subsection (4).
238 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
239 (i) filing a nomination petition with the city recorder or town clerk during the office
240 hours described in Section 10-3-301 and not later than the close of those office hours, between
241 June 1 and June 7 of any odd-numbered year; and
242 (ii) paying the filing fee, if one is required by municipal ordinance.
243 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
244 petition, the filing officer shall:
245 (i) read to the prospective candidate or individual filing the petition the constitutional
246 and statutory qualification requirements for the office that the candidate is seeking; and
247 (ii) require the candidate or individual filing the petition to state whether the candidate
248 meets those requirements.
249 (b) If the prospective candidate does not meet the qualification requirements for the
250 office, the filing officer may not accept the declaration of candidacy or nomination petition.
251 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
252 filing officer shall:
253 (i) inform the candidate that the candidate's name will appear on the ballot as it is

254 written on the declaration of candidacy;

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

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

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

263 (A) signing the pledge is voluntary; and

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

265 (v) accept the declaration of candidacy or nomination petition.

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

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

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

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

273 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
274 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
275 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
276 the legal qualifications required of candidates for this office. If filing via a designated agent, I
277 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
278 all campaign financial disclosure reports as required by law and I understand that failure to do
279 so will result in my disqualification as a candidate for this office and removal of my name from
280 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

281 _____

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

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

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

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

290 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
291 voters.

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

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

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

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

299 (ii) as required in Section 45-1-101; and

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

302 (9) Except as provided in Subsection (10)(c), an individual may not amend a
303 declaration of candidacy or nomination petition filed under this section after the candidate
304 filing period ends.

305 (10) (a) A declaration of candidacy or nomination petition that an individual files under
306 this section is valid unless a person files a written objection with the clerk within five days
307 after the last day for filing.

- 308 (b) If a person files an objection, the clerk shall:
- 309 (i) mail or personally deliver notice of the objection to the affected candidate
- 310 immediately; and
- 311 (ii) decide any objection within 48 hours after the objection is filed.
- 312 (c) If the clerk sustains the objection, the candidate may, within three days after the day
- 313 on which the clerk sustains the objection, correct the problem for which the objection is
- 314 sustained by amending the candidate's declaration of candidacy or nomination petition, or by
- 315 filing a new declaration of candidacy.
- 316 (d) (i) The clerk's decision upon objections to form is final.
- 317 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
- 318 prompt application is made to the district court.
- 319 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
- 320 of its discretion, agrees to review the lower court decision.

321 (11) A candidate who qualifies for the ballot under this section may withdraw as a

322 candidate by filing a written affidavit with the municipal clerk.

323 Section 4. Section **20A-9-404** is amended to read:

324 **20A-9-404. Municipal primary elections.**

325 (1) (a) Except as otherwise provided in this section or [~~Title 20A,~~] Chapter 4, Part 6,

326 Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all

327 municipalities shall be nominated at a municipal primary election.

328 (b) Municipal primary elections shall be held:

329 (i) consistent with Section **20A-1-201.5**, on the second Tuesday following the first

330 Monday in the August before the regular municipal election; and

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

332 (2) Except as otherwise provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate

333 Voting Methods Pilot Project, if the number of candidates for a particular municipal office

334 does not exceed twice the number of individuals needed to fill that office, a primary election

335 for that office may not be held and the candidates are considered nominated.

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

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

342 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
343 shall be held on or before May 30 of an odd-numbered year.

344 ~~[(ii)]~~ (iii) Any primary election exemption ordinance adopted under ~~[the authority of]~~
345 this Subsection (3) remains in effect until repealed by ordinance.

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

351 (ii) A convention or committee may not nominate an individual who has ~~been~~
352 ~~nominated by]~~ accepted the nomination of a different convention or committee.

353 (iii) A ~~[political]~~ municipal party may not have more than one group of candidates
354 placed upon the ballot and may not group the same candidates on different tickets by the same
355 party under a different name or emblem.

356 (d) (i) ~~[The]~~ On or before May 31 of an odd-numbered year, a convention or committee
357 shall prepare and submit to the filing officer a certificate of nomination for each individual
358 nominated.

359 (ii) The certificate of nomination shall:

360 (A) contain the name of the office for which each individual is nominated, the name,
361 post office address, and, if in a city, the street number of residence and place of business, if
362 any, of each individual nominated;

363 (B) designate in not more than five words the ~~[political]~~ party that the convention or

364 committee represents;

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

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

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

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

375 ~~[(iii) Certificates of nomination shall be filed with the clerk not later than 80 days
376 before the municipal general election.]~~

377 (iii) A candidate nominated by a municipal party convention or committee shall file a
378 declaration with the filing officer in accordance with Subsection 20A-9-203(3) that includes:

379 (A) the name of the municipal party or convention that nominated the candidate; and

380 (B) the office for which the convention or committee nominated the candidate.

381 (e) A committee appointed at a convention, if authorized by an enabling resolution,
382 may also make nominations or fill vacancies in nominations made at a convention~~[-]~~ if the
383 committee makes the nomination before the deadline for a write-in candidate to file a
384 declaration of candidacy under Section 20A-9-601.

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

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

390 (i) exempts the city or town from the other methods of nominating candidates to
391 municipal office provided in this section; and

392 (ii) provides for a municipal partisan [~~primary election~~] convention method of
393 nominating candidates as provided in this Subsection (4).

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

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

398 (A) is signed, with a holographic signature, by registered voters within the municipality
399 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
400 municipal election at which a mayor was elected;

401 (B) is filed with the city recorder [~~by May 31 of any odd-numbered year~~] or town clerk
402 before the municipal party holds a convention to nominate a candidate under this Subsection
403 (4);

404 (C) is substantially similar to the form of the signature sheets described in Section
405 20A-7-303; and

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

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

410 (ii) If the number of candidates for a particular office exceeds twice the number of
411 offices to be filled at the regular municipal election, those candidates for municipal office shall
412 be nominated at a [~~partisan~~] municipal primary election.

413 (d) The clerk shall ensure that [~~-(i)~~] the partisan municipal primary ballot is similar to
414 the ballot forms required by [~~Sections~~] Section 20A-6-401 and, as applicable, Section
415 20A-6-401.1 [;].

416 [~~(ii) the candidates for each municipal political party are listed in one or more columns~~
417 ~~under their party name and emblem;~~]

418 [~~(iii) the names of candidates of all parties are printed on the same ballot, but under~~
419 ~~their party designation; and]~~

420 ~~[(iv) every ballot separates the candidates of one party from those of the other parties.]~~

421 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
422 blank ballot box.

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

425 Section 5. Section **20A-9-601** is amended to read:

426 **20A-9-601. Qualifying as a write-in candidate.**

427 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a
428 valid write-in candidate shall file a declaration of candidacy in person, or through a designated
429 agent for a candidate for president or vice president of the United States, with the appropriate
430 filing officer not later than ~~[60]~~ 65 days before the regular general election or a municipal
431 general election in which the individual intends to be a write-in candidate.

432 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
433 declaration of candidacy for president of the United States.

434 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
435 declaration of candidacy with the appropriate filing officer if:

- 436 (A) the individual is located outside of the state during the entire filing period;
- 437 (B) the designated agent appears in person before the filing officer; and
- 438 (C) the individual communicates with the filing officer using an electronic device that
439 allows the individual and filing officer to see and hear each other.

440 (2) (a) The form of the declaration of candidacy for a write-in candidate for all offices,
441 except president or vice president of the United States, is substantially as follows:

442 "State of Utah, County of ____

443 I, _____, declare my intention of becoming a candidate for the office of
444 ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the

445 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
446 _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will
447 not knowingly violate any law governing campaigns and elections; if filing via a designated

448 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all
449 campaign financial disclosure reports as required by law; and I understand that failure to do so
450 will result in my disqualification as a candidate for this office and rejection of any votes cast
451 for me. The mailing address that I designate for receiving official election notices is

452 _____.

453 _____

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

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

456 (b) The form of the declaration of candidacy for a write-in candidate for president of
457 the United States is substantially as follows:

458 "State of Utah, County of _____

459 I, _____, declare my intention of becoming a candidate for the office of the
460 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
461 the office, both legally and constitutionally, if selected; I reside at _____ in the City
462 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
463 any law governing campaigns and elections. The mailing address that I designate for receiving
464 official election notices is _____. I designate _____ as
465 my vice presidential candidate.

466 _____

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

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

469 (c) A declaration of candidacy for a write-in candidate for vice president of the United
470 States shall be in substantially the same form as a declaration of candidacy described in
471 Subsection [20A-9-202\(7\)](#).

472 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
473 Subsection (2)(a) or (b).

474 (3) (a) The filing officer shall:

475 (i) read to the candidate the constitutional and statutory requirements for the office; and

476 (ii) ask the candidate whether [~~or not~~] the candidate meets the requirements.

477 (b) If the candidate cannot meet the requirements of office, the filing officer may not
478 accept the write-in candidate's declaration of candidacy.

479 (4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to
480 Subsection [20A-9-201\(8\)](#).

481 (b) A write-in candidate for president of the United States is subject to Subsection
482 [20A-9-201\(9\)\(a\)\(iv\)](#) or [20A-9-803\(1\)\(d\)](#), as applicable.

483 [~~(4)~~] (5) By November 1 of each regular general election year, the lieutenant governor
484 shall certify to each county clerk the names of all write-in candidates who filed their
485 declaration of candidacy with the lieutenant governor.

486 Section 6. **Coordinating H.B. 272 with S.B. 33 -- Substantive and technical**
487 **amendments.**

488 If this H.B. 272 and S.B. 33, Political Procedures Amendments, both pass and become
489 law, it is the intent of the Legislature that the Office of Legislative Research and General
490 Counsel shall prepare the Utah Code database for publication, by amending Subsection
491 [20A-9-404\(4\)\(b\)\(ii\)\(B\)](#) to read:

492 "(B) is filed with the city recorder [~~by May 31 of any odd-numbered year~~] or town
493 clerk before 5 p.m. no later than the day before the day on which the municipal party holds a
494 convention to nominate a candidate under this Subsection (4);".