

**DIRECT PRIMARY ELECTIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David Litvack**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code by providing for direct primary elections.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ provides for a direct primary election to nominate political party candidates instead of being nominated in a political party convention;
- ▶ requires an election officer to ensure that a person who has filed a declaration of candidacy appears on the primary election ballot, unless a primary election is not needed;
- ▶ requires a political party to use a direct primary election to nominate a candidate for an office for the regular general election or the municipal general election, unless a primary election is not needed;
- ▶ provides for advancement from a regular primary election to the general election for candidates for a nonpartisan office; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **10-2-116**, as last amended by Laws of Utah 2009, Chapter 388
- 31 **20A-1-102**, as last amended by Laws of Utah 2010, Chapters 129, 197, and 254
- 32 **20A-4-403**, as last amended by Laws of Utah 2007, Chapter 238
- 33 **20A-6-402**, as last amended by Laws of Utah 2009, Chapter 202
- 34 **20A-9-203**, as last amended by Laws of Utah 2010, Chapter 197
- 35 **20A-9-403**, as last amended by Laws of Utah 2008, Chapter 225
- 36 **20A-9-404**, as last amended by Laws of Utah 2007, Chapter 256
- 37 **20A-11-101**, as last amended by Laws of Utah 2010, Chapters 197, 246, and 389
- 38 **20A-11-205**, as last amended by Laws of Utah 1997, Chapter 355
- 39 **20A-11-304**, as last amended by Laws of Utah 1997, Chapter 355

40 ENACTS:

41 **20A-9-402.5**, Utah Code Annotated 1953



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

44 Section 1. Section **10-2-116** is amended to read:

45 **10-2-116. Election of officers of new city.**

46 (1) For the election of a city [~~officers~~] officer, the county legislative body shall:

47 (a) unless a primary election is prohibited by Subsection [~~20A-9-404(2)~~]

48 20A-9-402.5(4), hold a primary election; and

49 (b) hold a final election.

50 (2) [~~Each~~] An election under Subsection (1) shall be:

51 (a) appropriate to the form of government chosen by the voters at the incorporation  
52 election;

53 (b) consistent with the voters' decision about whether to elect commission or council  
54 members by district and, if applicable, consistent with the boundaries of those districts as  
55 determined by the petition sponsors; and

56 (c) consistent with the sponsors' determination of the number of commission or council  
57 members to be elected and the length of their initial term.

58 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), the

59 primary election under Subsection (1)(a) shall be held at the earliest of the next:

- 60 (i) regular general election under Section 20A-1-201;
- 61 (ii) municipal primary election under Section 20A-9-404;
- 62 (iii) municipal general election under Section 20A-1-202; or
- 63 (iv) special election under Section 20A-1-204.

64 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)  
65 may not be held until 75 days after the incorporation election under Section 10-2-111.

66 (4) Except as provided in Subsection (5), the final election under Subsection (1)(b)  
67 shall be held at the next special election date under Section 20A-1-204:

- 68 (a) after the primary election; or
- 69 (b) if there is no primary election, more than 75 days after the incorporation election  
70 under Section 10-2-111.

71 (5) Notwithstanding Subsections (3) and (4), the county legislative body may hold the  
72 primary and final elections required under Subsection (1) on the dates provided for the next  
73 municipal primary election under Section 20A-9-404 and the next municipal general election  
74 under Section 20A-1-202, respectively, after the incorporation election, if:

- 75 (a) with the results under Subsection 10-2-114(1)(d), the petition sponsors submit to  
76 the county legislative body a written request to that effect; and
- 77 (b) the incorporation election under Section 10-2-111 took place in February or May of  
78 an odd-numbered year.

79 (6) (a) (i) The county clerk shall publish notice of an election under this section:

- 80 (A) at least once a week for two successive weeks in a newspaper of general circulation  
81 within the future city; and
- 82 (B) in accordance with Section 45-1-101 for two weeks.

83 (ii) The later notice under Subsection (6)(a)(i) shall be at least one day but no more  
84 than seven days before the election.

85 (b) (i) In accordance with Subsection (6)(a)(i)(A), if there is no newspaper of general  
86 circulation within the future city, the county clerk shall post at least one notice of the election  
87 per 1,000 population in conspicuous places within the future city that are most likely to give  
88 notice of the election to the voters.

89 (ii) The county clerk shall post the notices under Subsection (6)(b)(i) at least seven

90 days before each election under Subsection (1).

91 (7) Until the city is incorporated, the county clerk is the election officer for all purposes  
92 in an election of officers of the city approved at an incorporation election.

93 Section 2. Section **20A-1-102** is amended to read:

94 **20A-1-102. Definitions.**

95 As used in this title:

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

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

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

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

104 (4) "Ballot sheet":

105 (a) means a ballot that:

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

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

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

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

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

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

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

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

116 (b) a constitutional amendment;

117 (c) an initiative;

118 (d) a referendum;

119 (e) a bond proposition;

120 (f) a judicial retention question; or

- 121 (g) any other ballot question specifically authorized by the Legislature.
- 122 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
123 20A-4-306 to canvass election returns.
- 124 (8) "Bond election" means an election held for the purpose of approving or rejecting  
125 the proposed issuance of bonds by a government entity.
- 126 (9) "Book voter registration form" means voter registration forms contained in a bound  
127 book that are used by election officers and registration agents to register persons to vote.
- 128 (10) "By-mail voter registration form" means a voter registration form designed to be  
129 completed by the voter and mailed to the election officer.
- 130 (11) "Canvass" means the review of election returns and the official declaration of  
131 election results by the board of canvassers.
- 132 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
133 the canvass.
- 134 (13) "Convention" means the political party convention at which party officers and  
135 delegates are selected.
- 136 (14) "Counting center" means one or more locations selected by the election officer in  
137 charge of the election for the automatic counting of ballots.
- 138 (15) "Counting judge" means a poll worker designated to count the ballots during  
139 election day.
- 140 (16) "Counting poll watcher" means a person selected as provided in Section  
141 20A-3-201 to witness the counting of ballots.
- 142 (17) "Counting room" means a suitable and convenient private place or room,  
143 immediately adjoining the place where the election is being held, for use by the poll workers  
144 and counting judges to count ballots during election day.
- 145 (18) "County officers" means those county officers that are required by law to be  
146 elected.
- 147 (19) "Date of the election" or "election day" or "day of the election":
- 148 (a) means the day that is specified in the calendar year as the day that the election  
149 occurs; and
- 150 (b) does not include:
- 151 (i) deadlines established for absentee voting; or

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

154 (20) "Direct primary election" means a primary election in which an election officer  
155 lists each person whose declaration of candidacy is accepted by a filing clerk on the primary  
156 ballot unless the candidate withdraws.

157 [~~20~~] (21) "Election" means a regular general election, a municipal general election, a  
158 statewide special election, a local special election, a regular primary election, a municipal  
159 primary election, and a local district election.

160 [~~21~~] (22) "Election Assistance Commission" means the commission established by  
161 Public Law 107-252, the Help America Vote Act of 2002.

162 [~~22~~] (23) "Election cycle" means the period beginning on the first day persons are  
163 eligible to file declarations of candidacy and ending when the canvass is completed.

164 [~~23~~] (24) "Election judge" means a poll worker that is assigned to:

- 165 (a) preside over other poll workers at a polling place;
- 166 (b) act as the presiding election judge; or
- 167 (c) serve as a canvassing judge, counting judge, or receiving judge.

168 [~~24~~] (25) "Election officer" means:

- 169 (a) the lieutenant governor, for all statewide ballots;
- 170 (b) the county clerk or clerks for all county ballots and for certain ballots and elections  
171 as provided in Section 20A-5-400.5;

172 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as  
173 provided in Section 20A-5-400.5;

174 (d) the local district clerk or chief executive officer for certain ballots and elections as  
175 provided in Section 20A-5-400.5; and

176 (e) the business administrator or superintendent of a school district for certain ballots  
177 or elections as provided in Section 20A-5-400.5.

178 [~~25~~] (26) "Election official" means any election officer, election judge, or poll  
179 worker.

180 [~~26~~] (27) "Election results" means, for bond elections, the count of those votes cast  
181 for and against the bond proposition plus any or all of the election returns that the board of  
182 canvassers may request.

183           ~~[(27)]~~ (28) "Election returns" includes the pollbook, all affidavits of registration, the  
184 military and overseas absentee voter registration and voting certificates, one of the tally sheets,  
185 any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all  
186 spoiled ballots, the ballot disposition form, and the total votes cast form.

187           ~~[(28)]~~ (29) "Electronic ballot" means a ballot that is recorded using a direct electronic  
188 voting device or other voting device that records and stores ballot information by electronic  
189 means.

190           ~~[(29)]~~ (30) (a) "Electronic voting device" means a voting device that uses electronic  
191 ballots.

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

193           ~~[(30)]~~ (31) "Inactive voter" means a registered voter who has:

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

195           (b) failed to respond to that notice.

196           ~~[(31)]~~ (32) "Inspecting poll watcher" means a person selected as provided in this title to  
197 witness the receipt and safe deposit of voted and counted ballots.

198           ~~[(32)]~~ (33) "Judicial office" means the office filled by any judicial officer.

199           ~~[(33)]~~ (34) "Judicial officer" means any justice or judge of a court of record or any  
200 county court judge.

201           ~~[(34)]~~ (35) "Local district" means a local government entity under Title 17B, Limited  
202 Purpose Local Government Entities - Local Districts, and includes a special service district  
203 under Title 17D, Chapter 1, Special Service District Act.

204           ~~[(35)]~~ (36) "Local district officers" means those local district officers that are required  
205 by law to be elected.

206           ~~[(36)]~~ (37) "Local election" means a regular municipal election, a local special  
207 election, a local district election, and a bond election.

208           ~~[(37)]~~ (38) "Local political subdivision" means a county, a municipality, a local  
209 district, or a local school district.

210           ~~[(38)]~~ (39) "Local special election" means a special election called by the governing  
211 body of a local political subdivision in which all registered voters of the local political  
212 subdivision may vote.

213           ~~[(39)]~~ (40) "Municipal executive" means:

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

216 (b) the mayor in the council-manager form of government defined in Subsection  
217 10-3b-103(6).

218 [~~40~~] (41) "Municipal general election" means the election held in municipalities and  
219 local districts on the first Tuesday after the first Monday in November of each odd-numbered  
220 year for the purposes established in Section 20A-1-202.

221 [~~41~~] (42) "Municipal legislative body" means the council of the city or town in any  
222 form of municipal government.

223 [~~42~~] (43) "Municipal officers" means those municipal officers that are required by  
224 law to be elected.

225 [~~43~~] (44) "Municipal primary election" means an election held to nominate  
226 candidates for municipal office.

227 [~~44~~] (45) "Official ballot" means the ballots distributed by the election officer to the  
228 poll workers to be given to voters to record their votes.

229 [~~45~~] (46) "Official endorsement" means:

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

231 (i) the ballot as an official ballot;

232 (ii) the date of the election; and

233 (iii) the facsimile signature of the election officer; and

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

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

236 (ii) the ballot number.

237 [~~46~~] (47) "Official register" means the official record furnished to election officials  
238 by the election officer that contains the information required by Section 20A-5-401.

239 [~~47~~] (48) "Paper ballot" means a paper that contains:

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

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

244 (49) "Partisan election" means an election in which a candidate may be:



245 (a) nominated by a political party; and

246 (b) have a political party affiliation designation on the ballot.

247 [~~(48)~~] (50) "Political party" means an organization of registered voters that has  
248 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party  
249 Formation and Procedures.

250 [~~(49)~~] (51) (a) "Poll worker" means a person assigned by an election official to assist  
251 with an election, voting, or counting votes.

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

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

254 [~~(50)~~] (52) "Pollbook" means a record of the names of voters in the order that they  
255 appear to cast votes.

256 [~~(51)~~] (53) "Polling place" means the building where voting is conducted.

257 [~~(52)~~] (54) "Position" means a square, circle, rectangle, or other geometric shape on a  
258 ballot in which the voter marks the voter's choice.

259 [~~(53)~~] (55) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

263 [~~(54)~~] (56) "Provisional ballot envelope" means an envelope printed in the form  
264 required by Section 20A-6-105 that is used to identify provisional ballots and to provide  
265 information to verify a person's legal right to vote.

266 [~~(55)~~] (57) "Primary convention" means the political party conventions at which  
267 nominees for the regular primary election are [~~selected~~] introduced.

268 [~~(56)~~] (58) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

271 [~~(57)~~] (59) "Qualify" or "qualified" means to take the oath of office and begin  
272 performing the duties of the position for which the person was elected.

273 [~~(58)~~] (60) "Receiving judge" means the poll worker that checks the voter's name in the  
274 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
275 after the voter has voted.

276            [~~(59)~~] (61) "Registration form" means a book voter registration form and a by-mail  
277 voter registration form.

278            [~~(60)~~] (62) "Regular ballot" means a ballot that is not a provisional ballot.

279            [~~(61)~~] (63) "Regular general election" means the election held throughout the state on  
280 the first Tuesday after the first Monday in November of each even-numbered year for the  
281 purposes established in Section 20A-1-201.

282            [~~(62)~~] (64) "Regular primary election" means the election on the fourth Tuesday of  
283 June of each even-numbered year, to nominate candidates of political parties and nonpolitical  
284 groups to advance to the regular general election.

285            [~~(63)~~] (65) "Resident" means a person who resides within a specific voting precinct in  
286 Utah.

287            [~~(64)~~] (66) "Sample ballot" means a mock ballot similar in form to the official ballot  
288 printed and distributed as provided in Section 20A-5-405.

289            [~~(65)~~] (67) "Scratch vote" means to mark or punch the straight party ticket and then  
290 mark or punch the ballot for one or more candidates who are members of different political  
291 parties.

292            [~~(66)~~] (68) "Secrecy envelope" means the envelope given to a voter along with the  
293 ballot into which the voter places the ballot after the voter has voted it in order to preserve the  
294 secrecy of the voter's vote.

295            [~~(67)~~] (69) "Special election" means an election held as authorized by Section  
296 20A-1-204.

297            [~~(68)~~] (70) "Spoiled ballot" means each ballot that:

- 298            (a) is spoiled by the voter;  
299            (b) is unable to be voted because it was spoiled by the printer or a poll worker; or  
300            (c) lacks the official endorsement.

301            [~~(69)~~] (71) "Statewide special election" means a special election called by the governor  
302 or the Legislature in which all registered voters in Utah may vote.

303            [~~(70)~~] (72) "Stub" means the detachable part of each ballot.

304            [~~(71)~~] (73) "Substitute ballots" means replacement ballots provided by an election  
305 officer to the poll workers when the official ballots are lost or stolen.

306            [~~(72)~~] (74) "Ticket" means each list of candidates for each political party or for each

307 group of petitioners.

308 ~~[(73)]~~ (75) "Transfer case" means the sealed box used to transport voted ballots to the  
309 counting center.

310 ~~[(74)]~~ (76) "Vacancy" means the absence of a person to serve in any position created  
311 by statute, whether that absence occurs because of death, disability, disqualification,  
312 resignation, or other cause.

313 ~~[(75)]~~ (77) "Valid voter identification" means:

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

316 (i) a currently valid Utah driver license;

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

318 (A) the state; or

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

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

321 (iv) a currently valid United States passport; or

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

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

325 (i) a valid tribal identification card;

326 (ii) a Bureau of Indian Affairs card; or

327 (iii) a tribal treaty card; or

328 (c) two forms of identification not listed under Subsection ~~[(75)]~~ (77)(a) or (b) but that  
329 bear the name of the voter and provide evidence that the voter resides in the voting precinct,  
330 which may include:

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

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

334 (iii) a certified birth certificate;

335 (iv) a valid Social Security card;

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

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

- 338 (vii) a currently valid Utah hunting or fishing license;
- 339 (viii) certified naturalization documentation;
- 340 (ix) a currently valid license issued by an authorized agency of the United States;
- 341 (x) a certified copy of court records showing the voter's adoption or name change;
- 342 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 343 (xii) a currently valid identification card issued by:
  - 344 (A) a local government within the state;
  - 345 (B) an employer for an employee; or
  - 346 (C) a college, university, technical school, or professional school located within the
  - 347 state; or
- 348 (xiii) a current Utah vehicle registration.

349 ~~[(76)]~~ (78) "Valid write-in candidate" means a candidate who has qualified as a  
350 write-in candidate by following the procedures and requirements of this title.

351 ~~[(77)]~~ (79) "Voter" means a person who:

- 352 (a) meets the requirements for voting in an election;
- 353 (b) meets the requirements of election registration;
- 354 (c) is registered to vote; and
- 355 (d) is listed in the official register book.

356 ~~[(78)]~~ (80) "Voter registration deadline" means the registration deadline provided in  
357 Section 20A-2-102.5.

358 ~~[(79)]~~ (81) "Voting area" means the area within six feet of the voting booths, voting  
359 machines, and ballot box.

360 ~~[(80)]~~ (82) "Voting booth" means:

- 361 (a) the space or compartment within a polling place that is provided for the preparation  
362 of ballots, including the voting machine enclosure or curtain; or
- 363 (b) a voting device that is free standing.

364 ~~[(81)]~~ (83) "Voting device" means:

- 365 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
366 piercing the ballots by the voter;
- 367 (b) a device for marking the ballots with ink or another substance;
- 368 (c) an electronic voting device or other device used to make selections and cast a ballot

369 electronically, or any component thereof;

370 (d) an automated voting system under Section 20A-5-302; or

371 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
372 by means of automatic tabulating equipment.

373 [~~(82)~~] (84) "Voting machine" means a machine designed for the sole purpose of  
374 recording and tabulating votes cast by voters at an election.

375 [~~(83)~~] (85) "Voting poll watcher" means a person appointed as provided in this title to  
376 witness the distribution of ballots and the voting process.

377 [~~(84)~~] (86) "Voting precinct" means the smallest voting unit established as provided by  
378 law within which qualified voters vote at one polling place.

379 [~~(85)~~] (87) "Watcher" means a voting poll watcher, a counting poll watcher, an  
380 inspecting poll watcher, and a testing watcher.

381 [~~(86)~~] (88) "Western States Presidential Primary" means the election established in  
382 Title 20A, Chapter 9, Part 8.

383 [~~(87)~~] (89) "Write-in ballot" means a ballot containing any write-in votes.

384 [~~(88)~~] (90) "Write-in vote" means a vote cast for a person whose name is not printed on  
385 the ballot according to the procedures established in this title.

386 Section 3. Section **20A-4-403** is amended to read:

387 **20A-4-403. Election contest -- Petition and response.**

388 (1) (a) In contesting the results of all elections, except for primary elections and bond  
389 elections, a registered voter shall contest the right of any person declared elected to any office  
390 by filing a verified written complaint with the district court of the county in which he resides  
391 within 40 days after the canvass.

392 (b) The complaint shall include:

393 (i) the name of the party contesting the election;

394 (ii) a statement that the party is a registered voter in the jurisdiction in which the  
395 election was held;

396 (iii) the name of the person whose right to the office is contested;

397 (iv) the office to which that person was ostensibly elected;

398 (v) one or more of the grounds for an election contest specified in Section 20A-4-402;

399 (vi) the person who was purportedly elected to the office as respondent; and

400 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a  
401 ground for the contest, the name and address of all persons who allegedly cast illegal votes or  
402 whose legal vote was rejected.

403 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a  
404 cause of contest, it is sufficient to state generally that:

405 (i) illegal votes were given in one or more specified voting precincts to a person whose  
406 election is contested, which, if taken from him, would reduce the number of his legal votes  
407 below the number of legal votes given to some other person for the same office; or

408 (ii) that legal votes for another person were rejected, which, if counted, would raise the  
409 number of legal votes for that person above the number of legal votes cast for the person whose  
410 election is contested.

411 (d) (i) The court may not take or receive evidence of any of the votes described in  
412 Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least  
413 three days before the trial, a written list of the number of contested votes and by whom the  
414 contested votes were given or offered, which he intends to prove at trial.

415 (ii) The court may not take or receive any evidence of contested votes except those that  
416 are specified in that list.

417 (2) (a) In contesting the results of a primary election, when contesting the petition  
418 nominating an independent candidate, or when challenging any person, election officer,  
419 election official, or board~~[, or convention]~~ for failing to nominate a person, a registered voter  
420 shall contest the right of any person declared nominated to any office by filing a verified  
421 written complaint within 10 days after the date of the canvass for the primary election, after the  
422 date of filing of the petition~~[, or after the date of the convention, respectively,]~~ with:

423 (i) the district court of the county in which he resides if he is contesting a nomination  
424 made only by voters from that county; or

425 (ii) the Utah Supreme Court, if he is contesting a nomination made by voters in more  
426 than one county.

427 (b) The complaint shall include:

428 (i) the name of the party contesting the nomination;

429 (ii) a statement that the contesting party is a registered voter in the jurisdiction in which  
430 the election was held;

431 (iii) the name of the person whose right to nomination is contested or the name of the  
432 person who failed to have their name placed in nomination;

433 (iv) the office to which that person was nominated or should have been nominated;

434 (v) one or more of the grounds for an election contest specified in Subsection (1);

435 (vi) the person who was purportedly nominated to the office as respondent; and

436 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a  
437 ground for the contest, the name and address of all persons who allegedly cast illegal votes or  
438 whose legal vote was rejected.

439 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a  
440 cause of contest, it is sufficient to state generally that:

441 (i) illegal votes were given to a person whose election is contested, which, if taken  
442 from him, would reduce the number of his legal votes below the number of legal votes given to  
443 some other person for the same office; or

444 (ii) legal votes for another person were rejected, which, if counted, would raise the  
445 number of legal votes for that person above the number of legal votes cast for the person whose  
446 election is contested.

447 (d) (i) The court may not take or receive evidence of any the votes described in  
448 Subsection (2)(c), unless the party contesting the election delivers to the opposite party, at least  
449 three days before the trial, a written list of the number of contested votes and by whom the  
450 contested votes were given or offered, which he intends to prove at trial.

451 (ii) The court may not take or receive any evidence of contested votes except those that  
452 are specified in that list.

453 (3) (a) In contesting the results of a bond election, a registered voter shall contest the  
454 validity of the declared results by filing a verified written complaint with the district court of  
455 the county in which he resides within 40 days after the date of the official finding entered under  
456 Section 11-14-207.

457 (b) The complaint shall include:

458 (i) the name of the party contesting the election;

459 (ii) a statement that the party is a registered voter in the jurisdiction in which the  
460 election was held;

461 (iii) the bond proposition that is the subject of the contest;

462 (iv) one or more of the grounds for an election contest specified in Section 20A-4-402;  
463 and

464 (v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground  
465 for the contest, the name and address of all persons who allegedly cast illegal votes or whose  
466 legal vote was rejected.

467 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a  
468 cause of contest, it is sufficient to state generally that:

469 (i) illegal votes were counted in one or more specified voting precincts which, if taken  
470 out of the count, would change the declared result of the vote on the proposition; or

471 (ii) legal votes were rejected in one or more specified voting precincts, which, if  
472 counted, would change the declared result of the vote on the proposition.

473 (d) (i) The court may not take or receive evidence of any of the votes described in  
474 Subsection (3)(c) unless the party contesting the election delivers to the opposite party, at least  
475 three days before the trial, a written list of the number of contested votes and by whom the  
476 contested votes were given or offered, which he intends to prove at trial.

477 (ii) The court may not take or receive any evidence of contested votes except those that  
478 are specified in that list.

479 (4) The court may not reject any statement of the grounds of contest or dismiss the  
480 proceedings because of lack of form, if the grounds of the contest are alleged with such  
481 certainty as will advise the defendant of the particular proceeding or cause for which the  
482 election is contested.

483 (5) (a) The petitioner shall serve a copy of the petition on the respondent.

484 (b) (i) If the petitioner cannot obtain personal service of the petition on the respondent,  
485 the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the  
486 court with which the petition was filed.

487 (ii) The clerk shall make diligent inquiry and attempt to inform the respondent that he  
488 has five days to answer the complaint.

489 (c) The respondent shall answer the petition within five days after the service.

490 (d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground  
491 for the contest, the defendant shall set forth in the answer the name and address of all persons  
492 whom the defendant believes were properly or improperly admitted or denied the vote.



493 (e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days  
494 after service of the counterclaim.

495 (6) (a) The provisions of this Subsection (6) provide additional requirements that apply  
496 to municipal election contests that are in addition to the other requirements of this section  
497 governing election contest.

498 (b) Municipal election contests shall be filed, tried, and determined in the district court  
499 of the county in which the municipality is located.

500 (c) (i) As a condition precedent to filing a municipal election contest, the petitioner  
501 shall file a written affidavit of intention to contest the election with the clerk of the court within  
502 seven days after the votes are canvassed.

503 (ii) The affidavit shall include:

504 (A) the petitioner's name;

505 (B) the fact that the petitioner is a qualified voter of the municipality;

506 (C) the respondent's name;

507 (D) the elective office contested;

508 (E) the time of election; and

509 (F) the grounds for the contest.

510 (d) (i) Before the district court takes jurisdiction of a municipal election contest, the  
511 petitioner shall file a bond with the clerk of the court with the sureties required by the court.

512 (ii) The bond shall name the respondent as obligee and be conditioned for the payment  
513 of all costs incurred by the respondent if the respondent prevails.

514 Section 4. Section **20A-6-402** is amended to read:

515 **20A-6-402. Ballots for municipal general elections.**

516 (1) When using a paper ballot at a municipal general ~~[elections]~~ election, each election  
517 officer shall ensure that:

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

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

522 (c) for other offices:

523 (i) twice the number of candidates as there are positions to be filled are certified as

524 eligible for election in the municipal general election from those candidates who received the  
525 greater number of votes in the primary election; and

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

528 (d) a write-in area is placed upon the ballot that contains, for each office:

529 (i) a blank, horizontal line to enable the entry of a valid write-in candidate; and

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

532 (e) ballot propositions that have qualified for the ballot, including propositions  
533 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are  
534 listed on the ballot in accordance with Section 20A-6-107; and

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

537 (2) When using a punch card ballot at a municipal general [~~elections~~] election, each  
538 election officer shall ensure that:

539 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across  
540 the top of the ballot;

541 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
542 stub; and

543 (iii) ballot stubs are numbered consecutively;

544 (b) immediately below the perforated ballot stub, the following endorsements are  
545 printed in 18 point bold type:

546 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

547 (ii) the date of the election; and

548 (iii) a facsimile of the signature of the election officer and the election officer's title in  
549 eight-point type;

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

552 (d) immediately below the horizontal rules, an "Instructions to Voters" section is  
553 printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the

554 square following the name(s) of the person(s) you favor as the candidate(s) for each respective

555 office." followed by two one-point parallel rules;

556 (e) after the rules, the designation of the office for which the candidates seek election is  
557 printed flush with the left-hand margin and the words: "Vote for one" or "Vote for two or  
558 more" are printed to extend to the extreme right of the column in 10 point bold type, followed  
559 by a hair-line rule;

560 (f) after the hair-line rule, the names of the candidates are printed in heavy face type  
561 between lines or rules [~~3/8~~] three-eighths inch apart, alphabetically according to surnames with  
562 surnames last and grouped according to the office that they seek;

563 (g) a square with sides not less than [~~1/4~~] one-fourth inch long is printed immediately  
564 adjacent to the names of the candidates;

565 (h) following the name of the last candidate for each office, the ballot contains:

566 (i) a write-in space for each elective office where the voter may enter the name of a  
567 valid write-in candidate; and

568 (ii) a square printed immediately adjacent to the write-in space or line where the voter  
569 may vote for the valid write-in candidate; and

570 (i) the candidate groups are separated from each other by one light and one heavy line  
571 or rule.

572 (3) When using a ballot sheet other than a punch card ballot at municipal general  
573 elections, each election officer shall ensure that:

574 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

575 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
576 stub; and

577 (iii) ballot stubs are numbered consecutively;

578 (b) immediately below the perforated ballot stub, the following endorsements are  
579 printed:

580 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

581 (ii) the date of the election; and

582 (iii) a facsimile of the signature of the election officer and the election officer's title;

583 (c) immediately below the election officer's title, a distinct border or line separates  
584 endorsements from the rest of the ballot;

585 (d) immediately below the border or line, an "Instructions to Voters" section is printed

586 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the  
587 candidate(s) for each respective office." followed by another border or line;

588 (e) after the border or line, the designation of the office for which the candidates seek  
589 election is printed and the words: "Vote for one" or "Vote for two or more" are printed,  
590 followed by a line or border;

591 (f) after the line or border, the names of the candidates are printed alphabetically  
592 according to surnames with surnames last and grouped according to the office that they seek;

593 (g) an oval is printed adjacent to the names of the candidates;

594 (h) following the name of the last candidate for each office, the ballot contains:

595 (i) a write-in space or blank line for each elective office where the voter may enter the  
596 name of a valid write-in candidate; and

597 (ii) an oval is printed adjacent to the write-in space or line where the voter may vote for  
598 the valid write-in candidate; and

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

600 (4) When using an electronic ballot at municipal general elections, each election officer  
601 shall ensure that:

602 (a) the following endorsements are displayed on the first screen of the ballot:

603 (i) "Official Ballot for \_\_\_\_ (City or Town), Utah";

604 (ii) the date of the election; and

605 (iii) a facsimile of the signature of the election officer and the election officer's title;

606 (b) immediately below the election officer's title, a distinct border or line separates the  
607 endorsements from the rest of the ballot;

608 (c) immediately below the border or line, an "Instructions to Voters" section is  
609 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as  
610 the candidate(s) for each respective office." followed by another border or line;

611 (d) after the border or line, the designation of the office for which the candidates seek  
612 election is displayed, and the words: "Vote for one" or "Vote for two or more" are displayed,  
613 followed by a line or border;

614 (e) after the line or border, the names of the candidates are displayed alphabetically  
615 according to surnames with surnames last and grouped according to the office that they seek;

616 (f) a voting square or position is located adjacent to the name of each candidate;

617 (g) following the name of the last candidate for each office, the ballot contains a  
618 write-in space where the voter may enter the name of and vote for a valid write-in candidate for  
619 the office; and

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

621 (5) When a municipality has chosen to [~~nominate candidates by convention or~~  
622 ~~committee~~] use a primary election for a partisan election under Subsection 20A-9-404(2), the  
623 election officer shall ensure that the party name is included with the candidate's name on the  
624 ballot.

625 Section 5. Section **20A-9-203** is amended to read:

626 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

627 (1) (a) (i) A person may become a candidate for any municipal office if:

628 (A) the person is a registered voter; and

629 (B) (I) the person has resided within the municipality in which that person seeks to  
630 hold elective office for the 12 consecutive months immediately before the date of the election;  
631 or

632 (II) if the territory in which the person resides was annexed into the municipality, the  
633 person has resided within the annexed territory or the municipality the 12 consecutive months  
634 immediately before the date of the election.

635 (ii) For purposes of determining whether a person meets the residency requirement of  
636 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before  
637 the election, the municipality shall be considered to have been incorporated 12 months before  
638 the date of the election.

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

642 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally  
643 incompetent person, any person convicted of a felony, or any person convicted of treason or a  
644 crime against the elective franchise may not hold office in this state until the right to hold  
645 elective office is restored under Section 20A-2-101.5.

646 (2) (a) Except as provided in Subsection (2)(b) [~~or (2)(c)~~], each person seeking to  
647 become a candidate for a municipal office shall:

648 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during  
649 office hours and not later than the close of normal office hours, between July 1 and July 15 of  
650 any odd numbered year; and

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

652 ~~[(b) (i) As used in this Subsection (2)(b), "registered voters" means the number of~~  
653 ~~persons registered to vote in the municipality on the January 1 of the municipal election year.]~~

654 ~~[(ii) A third, fourth, or fifth class city that used the convention system to nominate~~  
655 ~~candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the~~  
656 ~~process contained in this Subsection (2)(b) in the last municipal election or a town that used the~~  
657 ~~convention system to nominate candidates in the last municipal election as authorized by~~  
658 ~~Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last~~  
659 ~~municipal election may, by ordinance, require, in lieu of the convention system, that candidates~~  
660 ~~for municipal office file a nominating petition signed by a percentage of registered voters at the~~  
661 ~~same time that the candidate files a declaration of candidacy.]~~

662 ~~[(iii) The ordinance shall specify the number of signatures that the candidate must~~  
663 ~~obtain on the nominating petition in order to become a candidate for municipal office under~~  
664 ~~this Subsection (2), but that number may not exceed 5% of registered voters.]~~

665 ~~[(c) (b) [Any] A~~ resident of a municipality may nominate a candidate for a municipal  
666 office by:

667 (i) filing a nomination petition with the city recorder or town clerk during office hours,  
668 but not later than the close of normal office hours, between July 1 and July 15 of any  
669 odd-numbered year; ~~[and]~~

670 (ii) paying the filing fee, if one is required by municipal ordinance~~[-]; and~~

671 (iii) complying with the provisions of Subsection (5).

672 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination  
673 petition, the filing officer shall:

674 (i) read to the prospective candidate or person filing the petition the constitutional and  
675 statutory qualification requirements for the office that the candidate is seeking; and

676 (ii) require the candidate or person filing the petition to state whether or not the  
677 candidate meets those requirements.

678 (b) If the prospective candidate does not meet the qualification requirements for the

679 office, the filing officer may not accept the declaration of candidacy or nomination petition.

680 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
681 filing officer shall:

682 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
683 written on the declaration of candidacy;

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

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

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

692 (A) signing the pledge is voluntary; and

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

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

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

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

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

701 (4) The declaration of candidacy shall substantially comply with the following form:

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

709 \_\_\_\_\_

710 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
711 \_\_\_\_\_(month\day\year).

712 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)"

713 (5) (a) [~~In all first and second class cities, and in third, fourth, or fifth class cities that~~  
714 ~~have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not~~  
715 ~~passed the ordinance authorized by Subsection (2)(b), any] A registered voter may be  
716 nominated for municipal office by submitting a petition signed by:~~

- 717 (i) 25 residents of the municipality who are at least 18 years old; or
- 718 (ii) 20% of the residents of the municipality who are at least 18 years old.

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

720 "NOMINATION PETITION

721 The undersigned residents of (name of municipality) being 18 years old or older  
722 nominate (name of nominee) to the office of \_\_\_\_ for the (two or four-year term, whichever is  
723 applicable)."

724 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
725 persons signing the petition and their addresses and telephone numbers.

726 [~~(6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized~~  
727 ~~by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection~~  
728 ~~(2)(b), any registered voter may be nominated for municipal office by submitting a petition~~  
729 ~~signed by the same percentage of registered voters in the municipality as required by the~~  
730 ~~ordinance passed under authority of Subsection (2)(b).]~~

731 [~~(b) (i) The petition shall substantially conform to the following form:]~~

732 [~~"NOMINATION PETITION]~~

733 [~~The undersigned residents of (name of municipality) being 18 years old or older~~  
734 ~~nominate (name of nominee) to the office of (name of office) for the (two or four-year term,~~  
735 ~~whichever is applicable)."]~~

736 [~~(ii) The remainder of the petition shall contain lines and columns for the signatures of~~  
737 ~~persons signing the petition and their addresses and telephone numbers.]]~~

738 [(7)] (6) If the declaration of candidacy or nomination petition fails to state whether the  
739 nomination is for the two or four-year term, the clerk shall consider the nomination to be for  
740 the four-year term.



741           ~~[(8)]~~ (7) (a) The clerk shall verify with the county clerk that all candidates are  
742 registered voters.

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

745           ~~[(9)]~~ (8) Immediately after expiration of the period for filing a declaration of  
746 candidacy, the clerk shall:

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

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

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

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

753           ~~[(10)]~~ (9) A declaration of candidacy or nomination petition filed under this section  
754 may not be amended after the expiration of the period for filing a declaration of candidacy.

755           ~~[(11)]~~ (10) (a) A declaration of candidacy or nomination petition filed under this  
756 section is valid unless a written objection is filed with the clerk within five days after the last  
757 day for filing.

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

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

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

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

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

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

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

770           ~~[(12)]~~ (11) Any person who filed a declaration of candidacy and was nominated, and  
771 any person who was nominated by a nomination petition, may, any time up to 23 days before

772 the election, withdraw the nomination by filing a written affidavit with the clerk.

773 Section 6. Section **20A-9-402.5** is enacted to read:

774 **20A-9-402.5. Direct primary elections -- Exceptions.**

775 (1) Except as provided by Subsection (2), an election officer shall hold a direct primary  
776 election if:

777 (a) for a partisan election, the number of persons who file a declaration of candidacy  
778 declaring affiliation with a political party for an office exceeds the number of positions  
779 available for that office; and

780 (b) for a nonpartisan election, the number of persons who file a declaration of  
781 candidacy for an office is at least double the number of positions available for that office.

782 (2) A direct primary election is not required for a presidential candidate.

783 Section 7. Section **20A-9-403** is amended to read:

784 **20A-9-403. Regular primary elections.**

785 (1) ~~[(a)]~~ The fourth Tuesday of June of each even-numbered year is designated as  
786 regular primary election day.

787 ~~[(b) Each registered political party that chooses to use the primary election process to~~  
788 ~~nominate some or all of its candidates shall comply with the requirements of this section.]~~

789 ~~[(2) (a) As a condition for using the state's election system, each registered political~~  
790 ~~party that wishes to participate in the primary election shall:]~~

791 ~~[(i) declare their intent to participate in the primary election; (ii) identify one or more~~  
792 ~~registered political parties whose members may vote for the registered political party's~~  
793 ~~candidates and]~~

794 (2) (a) A registered political party shall certify whether or not persons identified as  
795 unaffiliated with ~~[a]~~ the political party may vote for the registered political party's candidates~~;~~  
796 ~~and (iii) certify that information]~~ to the lieutenant governor no later than 5 p.m. on March 1 of  
797 each even-numbered year.

798 ~~[(b) As a condition for using the state's election system, each registered political party~~  
799 ~~that wishes to participate in the primary election shall:]~~

800 ~~[(i) certify the name and office of all of the registered political party's candidates to the~~  
801 ~~lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and]~~

802 ~~[(ii) certify the name and office of each of its county candidates to the county clerks by~~

803 ~~5 p.m. on May 13 of each even-numbered year.]~~

804 ~~[(e)]~~ (b) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor  
805 shall send the county clerks a certified list of the names of all statewide or multicounty  
806 candidates that must be printed on the primary ballot.

807 ~~[(d)(i) Except as provided in Subsection (2)(d)(ii), if a registered political party does  
808 not wish to participate in the primary election, it shall submit the names of its county  
809 candidates to the county clerks and the names of all of its candidates to the lieutenant governor  
810 by 5 p.m. on May 30 of each even-numbered year.]~~

811 ~~[(ii)]~~ (c) A registered political party's candidates for President and Vice-President of  
812 the United States shall be certified to the lieutenant governor as provided in Subsection  
813 20A-9-202(4).

814 ~~[(e)]~~ (d) ~~[Each]~~ A political party shall certify the names of its presidential and  
815 vice-presidential candidates and presidential electors to the lieutenant governor's office no later  
816 than September 8 of each presidential election year.

817 (3) The county clerk shall:

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

820 (b) place the names of all candidates who have filed a declaration of candidacy for a  
821 local board of education seat on the nonpartisan section of the ballot if more than two  
822 candidates have filed for the same seat; and

823 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

824 (4) After the county clerk receives the certified list from a registered political party, the  
825 county clerk shall post or publish a primary election notice in substantially the following form:

826 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
827 \_\_\_\_ (year), to nominate party candidates for the parties and nonpartisan offices listed on  
828 the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7  
829 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

830 (5) (a) (i) ~~[Candidates receiving]~~ Except as provided by Subsection (5)(b), a candidate  
831 that receives the highest number of votes cast for each office at the regular primary election  
832 [are] is nominated by ~~[their]~~ the candidate's party or nonpartisan group for that office.

833 (ii) Except as provided by Subsection (5)(b), the two candidates for a nonpartisan

834 office who receive the highest number of votes advance to the regular general election.

835 (b) If two or more candidates are to be elected to the office at the regular general  
836 election[;];

837 (i) those party candidates equal in number to positions to be filled who receive the  
838 highest number of votes at the regular primary election are the nominees of their party for those  
839 positions[;]; and

840 (ii) the candidates for nonpartisan office double in number to positions to be filled who  
841 receive the highest number of votes at the regular primary election advance to the regular  
842 general election.

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

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

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

855 Section 8. Section **20A-9-404** is amended to read:

856 **20A-9-404. Municipal primary elections.**

857 (1) (a) Except as otherwise provided in this section[; candidates] or Section  
858 20A-9-402.5, a candidate for municipal office [in all municipalities] shall be nominated at a  
859 municipal primary election.

860 (b) Municipal primary elections shall be held:

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

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

864 [~~2) If the number of candidates for a particular municipal office does not exceed twice~~

865 the number of persons needed to fill that office, a primary election for that office may not be  
866 held and the candidates are considered nominated.]

867 [~~(3) (a) For purposes of this Subsection (3), "convention" means an organized assembly~~  
868 ~~of voters or delegates.]~~

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

873 [~~(ii) Any primary election exemption ordinance adopted under the authority of this~~  
874 ~~subsection remains in effect until repealed by ordinance.]~~

875 [~~(c) (i) A convention or committee may not nominate more than one group of~~  
876 ~~candidates or have placed on the ballot more than one group of candidates for the municipal~~  
877 ~~offices to be voted upon at the municipal election.]~~

878 [~~(ii) A convention or committee may nominate a person who has been nominated by a~~  
879 ~~different convention or committee.]~~

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

883 [~~(d) (i) The convention or committee shall prepare a certificate of nomination for each~~  
884 ~~person nominated.]~~

885 [~~(ii) The certificate of nomination shall:]~~

886 [~~(A) contain the name of the office for which each person is nominated, the name, post~~  
887 ~~office address, and, if in a city, the street number of residence and place of business, if any, of~~  
888 ~~each person nominated;]~~

889 [~~(B) designate in not more than five words the political party that the convention or~~  
890 ~~committee represents;]~~

891 [~~(C) contain a copy of the resolution passed at the convention that authorized the~~  
892 ~~committee to make the nomination;]~~

893 [~~(D) contain a statement certifying that the name of the candidate nominated by the~~  
894 ~~political party will not appear on the ballot as a candidate for any other political party;]~~

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

896 and]

897 ~~[(F) contain a statement identifying the residence and post office address of the~~  
898 ~~presiding officer and secretary and certifying that the presiding officer and secretary were~~  
899 ~~officers of the convention or committee and that the certificates are true to the best of their~~  
900 ~~knowledge and belief.]~~

901 ~~[(iii) Certificates of nomination shall be filed with the clerk not later than the sixth~~  
902 ~~Tuesday before the November municipal election.]~~

903 ~~[(e) A committee appointed at a convention, if authorized by an enabling resolution,~~  
904 ~~may also make nominations or fill vacancies in nominations made at a convention.]~~

905 ~~[(f)]~~ (c) The election ballot shall substantially comply with the form prescribed in Title  
906 20A, Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name  
907 shall be included with the candidate's name.

908 ~~[(4)]~~ (2) (a) ~~[Any third, fourth, or fifth class city]~~ A municipality may adopt an  
909 ordinance before the June 1 that falls before the regular municipal election that~~[(i) exempts~~  
910 ~~the city from the other methods of nominating candidates to municipal office provided in this~~  
911 ~~section; and (ii)]~~ provides for a partisan primary election ~~[method of nominating candidates]~~ as  
912 provided in this Subsection ~~[(4)]~~ (2).

913 (b) (i) ~~[Any]~~ A party that was a registered political party at the last regular general  
914 election or regular municipal election is a municipal political party under this section.

915 (ii) ~~[Any]~~ A political party may qualify as a municipal political party by presenting a  
916 petition to the city recorder that:

917 (A) is signed by registered voters within the municipality equal to at least 20% of the  
918 number of votes cast for all candidates for mayor in the last municipal election at which a  
919 mayor was elected;

920 (B) is filed with the city recorder by the seventh Tuesday before the date of the  
921 municipal primary election;

922 (C) is substantially similar to the form of the signature sheets described in Section  
923 20A-7-303; and

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

925 ~~[(e) (i) If the number of candidates for a particular office does not exceed twice the~~  
926 ~~number of offices to be filled at the regular municipal election, no partisan primary election for~~

927 ~~that office shall be held and the candidates are considered to be nominated.]~~

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

931 ~~[(~~+~~) (c) The clerk shall ensure that:~~

932 (i) the partisan municipal primary ballot is similar to the ballot forms required by  
933 Sections 20A-6-401 and 20A-6-401.1;

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

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

938 (iv) every ballot is folded and perforated so as to separate the candidates of one party  
939 from those of the other parties and so as to enable the ~~[elector]~~ voter to separate the part of the  
940 ballot containing the names of the party of ~~[his]~~ the voter's choice from the remainder of the  
941 ballot; and

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

944 ~~[(~~e~~) (d) After marking a municipal primary ballot, the voter shall:~~

945 (i) detach the part of the ballot containing the names of the candidates of the party ~~[he]~~  
946 the voter has voted from the rest of the ballot;

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

949 (iii) fold the remainder of the ballot containing the names of the candidates of the  
950 parties for whom the ~~[elector]~~ voter did not vote and deposit it in the blank ballot box.

951 ~~[(~~f~~) (e) Immediately after the canvass, the election judges shall, without examination,~~  
952 ~~destroy the tickets deposited in the blank ballot box.~~

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

954 **20A-11-101. Definitions.**

955 As used in this chapter:

956 (1) "Address" means the number and street where an individual resides or where a  
957 reporting entity has its principal office.

958 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
959 amendments, and any other ballot propositions submitted to the voters that are authorized by  
960 the Utah Code Annotated 1953.

961 (3) "Candidate" means any person who:

962 (a) files a declaration of candidacy for a public office; or

963 (b) receives contributions, makes expenditures, or gives consent for any other person to  
964 receive contributions or make expenditures to bring about the person's nomination or election  
965 to a public office.

966 (4) "Chief election officer" means:

967 (a) the lieutenant governor for state office candidates, legislative office candidates,  
968 officeholders, political parties, political action committees, corporations, political issues  
969 committees, state school board candidates, judges, and labor organizations, as defined in  
970 Section 20A-11-1501; and

971 (b) the county clerk for local school board candidates.

972 (5) (a) "Contribution" means any of the following when done for political purposes:

973 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
974 value given to the filing entity;

975 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
976 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
977 anything of value to the filing entity;

978 (iii) any transfer of funds from another reporting entity to the filing entity;

979 (iv) compensation paid by any person or reporting entity other than the filing entity for  
980 personal services provided without charge to the filing entity;

981 (v) remuneration from:

982 (A) any organization or its directly affiliated organization that has a registered lobbyist;  
983 or

984 (B) any agency or subdivision of the state, including school districts; and

985 (vi) goods or services provided to or for the benefit of the filing entity at less than fair  
986 market value.

987 (b) "Contribution" does not include:

988 (i) services provided without compensation by individuals volunteering a portion or all



989 of their time on behalf of the filing entity;

990 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
991 business; or

992 (iii) goods or services provided for the benefit of a candidate or political party at less  
993 than fair market value that are not authorized by or coordinated with the candidate or political  
994 party.

995 (6) "Coordinated with" means that goods or services provided for the benefit of a  
996 candidate or political party are provided:

997 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
998 party does not object;

999 (b) by agreement with the candidate or political party;

1000 (c) in coordination with the candidate or political party; or

1001 (d) using official logos, slogans, and similar elements belonging to a candidate or  
1002 political party.

1003 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1004 organization that is registered as a corporation or is authorized to do business in a state and  
1005 makes any expenditure from corporate funds for:

1006 (i) the purpose of expressly advocating for political purposes; or

1007 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
1008 proposition.

1009 (b) "Corporation" does not mean:

1010 (i) a business organization's political action committee or political issues committee; or

1011 (ii) a business entity organized as a partnership or a sole proprietorship.

1012 (8) "Detailed listing" means:

1013 (a) for each contribution or public service assistance:

1014 (i) the name and address of the individual or source making the contribution or public  
1015 service assistance;

1016 (ii) the amount or value of the contribution or public service assistance; and

1017 (iii) the date the contribution or public service assistance was made; and

1018 (b) for each expenditure:

1019 (i) the amount of the expenditure;

- 1020 (ii) the person or entity to whom it was disbursed;
- 1021 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1022 (iv) the date the expenditure was made.
- 1023 (9) "Election" means each:
- 1024 (a) regular general election;
- 1025 (b) regular primary election; and
- 1026 (c) special election at which candidates are eliminated and selected.
- 1027 (10) "Electioneering communication" means a communication that:
- 1028 (a) has at least a value of \$10,000;
- 1029 (b) clearly identifies a candidate or judge; and
- 1030 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 1031 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
- 1032 identified candidate's or judge's election date.
- 1033 (11) (a) "Expenditure" means:
- 1034 (i) any disbursement from contributions, receipts, or from the separate bank account
- 1035 required by this chapter;
- 1036 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 1037 or anything of value made for political purposes;
- 1038 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1039 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
- 1040 value for political purposes;
- 1041 (iv) compensation paid by a filing entity for personal services rendered by a person
- 1042 without charge to a reporting entity;
- 1043 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 1044 committee; or
- 1045 (vi) goods or services provided by the filing entity to or for the benefit of another
- 1046 reporting entity for political purposes at less than fair market value.
- 1047 (b) "Expenditure" does not include:
- 1048 (i) services provided without compensation by individuals volunteering a portion or all
- 1049 of their time on behalf of a reporting entity;
- 1050 (ii) money lent to a reporting entity by a financial institution in the ordinary course of

1051 business; or

1052 (iii) anything listed in Subsection (11)(a) that is given by a reporting entity to  
1053 candidates for office or officeholders in states other than Utah.

1054 (12) "Filing entity" means the reporting entity that is required to file a financial  
1055 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1056 (13) "Financial statement" includes any summary report, interim report, verified  
1057 financial statement, or other statement disclosing contributions, expenditures, receipts,  
1058 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
1059 Retention Elections.

1060 (14) "Governing board" means the individual or group of individuals that determine the  
1061 candidates and committees that will receive expenditures from a political action committee,  
1062 political party, or corporation.

1063 (15) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,  
1064 Incorporation, by which a geographical area becomes legally recognized as a city or town.

1065 (16) "Incorporation election" means the election authorized by Section 10-2-111.

1066 (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

1067 (18) "Individual" means a natural person.

1068 (19) "Interim report" means a report identifying the contributions received and  
1069 expenditures made since the last report.

1070 (20) "Legislative office" means the office of state senator, state representative, speaker  
1071 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
1072 whip of any party caucus in either house of the Legislature.

1073 (21) "Legislative office candidate" means a person who:

1074 (a) files a declaration of candidacy for the office of state senator or state representative;

1075 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
1076 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
1077 assistant whip of any party caucus in either house of the Legislature; or

1078 (c) receives contributions, makes expenditures, or gives consent for any other person to  
1079 receive contributions or make expenditures to bring about the person's nomination or election  
1080 to a legislative office.

1081 (22) "Officeholder" means a person who holds a public office.

1082 (23) "Party committee" means any committee organized by or authorized by the  
1083 governing board of a registered political party.

1084 (24) "Person" means both natural and legal persons, including individuals, business  
1085 organizations, personal campaign committees, party committees, political action committees,  
1086 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

1087 (25) "Personal campaign committee" means the committee appointed by a candidate to  
1088 act for the candidate as provided in this chapter.

1089 (26) "Personal use expenditure" has the same meaning as provided under Section  
1090 20A-11-104.

1091 (27) (a) "Political action committee" means an entity, or any group of individuals or  
1092 entities within or outside this state, a major purpose of which is to:

1093 (i) solicit or receive contributions from any other person, group, or entity for political  
1094 purposes; or

1095 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
1096 vote for or against any candidate or person seeking election to a municipal or county office.

1097 (b) "Political action committee" includes groups affiliated with a registered political  
1098 party but not authorized or organized by the governing board of the registered political party  
1099 that receive contributions or makes expenditures for political purposes.

1100 (c) "Political action committee" does not mean:

1101 (i) a party committee;

1102 (ii) any entity that provides goods or services to a candidate or committee in the regular  
1103 course of its business at the same price that would be provided to the general public;

1104 (iii) an individual;

1105 (iv) individuals who are related and who make contributions from a joint checking  
1106 account;

1107 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1108 action committee; or

1109 (vi) a personal campaign committee.

1110 (28) "Political convention" means a county or state political convention held by a  
1111 registered political party to select party officers and delegates and to introduce candidates.

1112 (29) (a) "Political issues committee" means an entity, or any group of individuals or

1113 entities within or outside this state, a major purpose of which is to:

1114 (i) solicit or receive donations from any other person, group, or entity to assist in  
1115 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
1116 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1117 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
1118 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
1119 proposed ballot proposition or an incorporation in an incorporation election; or

1120 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
1121 ballot or to assist in keeping a ballot proposition off the ballot.

1122 (b) "Political issues committee" does not mean:

1123 (i) a registered political party or a party committee;

1124 (ii) any entity that provides goods or services to an individual or committee in the  
1125 regular course of its business at the same price that would be provided to the general public;

1126 (iii) an individual;

1127 (iv) individuals who are related and who make contributions from a joint checking  
1128 account; or

1129 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1130 issues committee.

1131 (30) (a) "Political issues contribution" means any of the following:

1132 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
1133 anything of value given to a political issues committee;

1134 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
1135 issues donation to influence the approval or defeat of any ballot proposition;

1136 (iii) any transfer of funds received by a political issues committee from a reporting  
1137 entity;

1138 (iv) compensation paid by another reporting entity for personal services rendered  
1139 without charge to a political issues committee; and

1140 (v) goods or services provided to or for the benefit of a political issues committee at  
1141 less than fair market value.

1142 (b) "Political issues contribution" does not include:

1143 (i) services provided without compensation by individuals volunteering a portion or all

1144 of their time on behalf of a political issues committee; or

1145 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1146 course of business.

1147 (31) (a) "Political issues expenditure" means any of the following:

1148 (i) any payment from political issues contributions made for the purpose of influencing  
1149 the approval or the defeat of:

1150 (A) a ballot proposition; or

1151 (B) an incorporation petition or incorporation election;

1152 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
1153 the express purpose of influencing the approval or the defeat of:

1154 (A) a ballot proposition; or

1155 (B) an incorporation petition or incorporation election;

1156 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1157 political issues expenditure;

1158 (iv) compensation paid by a reporting entity for personal services rendered by a person  
1159 without charge to a political issues committee; or

1160 (v) goods or services provided to or for the benefit of another reporting entity at less  
1161 than fair market value.

1162 (b) "Political issues expenditure" does not include:

1163 (i) services provided without compensation by individuals volunteering a portion or all  
1164 of their time on behalf of a political issues committee; or

1165 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1166 course of business.

1167 (32) "Political purposes" means an act done with the intent or in a way to influence or  
1168 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1169 against any candidate or a person seeking a municipal or county office at any caucus, political  
1170 convention, or election.

1171 (33) "Primary election" means any regular primary election held under the election  
1172 laws.

1173 (34) "Public office" means the office of governor, lieutenant governor, state auditor,  
1174 state treasurer, attorney general, state or local school board member, state senator, state

1175 representative, speaker of the House of Representatives, president of the Senate, and the leader,  
1176 whip, and assistant whip of any party caucus in either house of the Legislature.

1177 (35) (a) "Public service assistance" means the following when given or provided to an  
1178 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
1179 communicate with the officeholder's constituents:

1180 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
1181 money or anything of value to an officeholder; or

1182 (ii) goods or services provided at less than fair market value to or for the benefit of the  
1183 officeholder.

1184 (b) "Public service assistance" does not include:

1185 (i) anything provided by the state;

1186 (ii) services provided without compensation by individuals volunteering a portion or all  
1187 of their time on behalf of an officeholder;

1188 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1189 business;

1190 (iv) news coverage or any publication by the news media; or

1191 (v) any article, story, or other coverage as part of any regular publication of any  
1192 organization unless substantially all the publication is devoted to information about the  
1193 officeholder.

1194 (36) "Publicly identified class of individuals" means a group of 50 or more individuals  
1195 sharing a common occupation, interest, or association that contribute to a political action  
1196 committee or political issues committee and whose names can be obtained by contacting the  
1197 political action committee or political issues committee upon whose financial statement the  
1198 individuals are listed.

1199 (37) "Receipts" means contributions and public service assistance.

1200 (38) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
1201 Lobbyist Disclosure and Regulation Act.

1202 (39) "Registered political action committee" means any political action committee that  
1203 is required by this chapter to file a statement of organization with the lieutenant governor's  
1204 office.

1205 (40) "Registered political issues committee" means any political issues committee that

1206 is required by this chapter to file a statement of organization with the lieutenant governor's  
1207 office.

1208 (41) "Registered political party" means an organization of voters that:

1209 (a) participated in the last regular general election and polled a total vote equal to 2%  
1210 or more of the total votes cast for all candidates for the United States House of Representatives  
1211 for any of its candidates for any office; or

1212 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
1213 Party Formation and Procedures.

1214 (42) (a) "Remuneration" means a payment:

1215 (i) made to a legislator for the period the Legislature is in session; and

1216 (ii) that is approximately equivalent to an amount a legislator would have earned  
1217 during the period the Legislature is in session in the legislator's ordinary course of business.

1218 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1219 (i) the legislator's primary employer in the ordinary course of business; or

1220 (ii) a person or entity in the ordinary course of business:

1221 (A) because of the legislator's ownership interest in the entity; or

1222 (B) for services rendered by the legislator on behalf of the person or entity.

1223 (43) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
1224 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
1225 action committee, a political issues committee, a corporation, or a labor organization, as  
1226 defined in Section 20A-11-1501.

1227 (44) "School board office" means the office of state school board or local school board.

1228 (45) (a) "Source" means the person or entity that is the legal owner of the tangible or  
1229 intangible asset that comprises the contribution.

1230 (b) "Source" means, for political action committees and corporations, the political  
1231 action committee and the corporation as entities, not the contributors to the political action  
1232 committee or the owners or shareholders of the corporation.

1233 (46) "State office" means the offices of governor, lieutenant governor, attorney general,  
1234 state auditor, and state treasurer.

1235 (47) "State office candidate" means a person who:

1236 (a) files a declaration of candidacy for a state office; or



1237 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1238 receive contributions or make expenditures to bring about the person's nomination or election  
1239 to a state office.

1240 (48) "Summary report" means the year end report containing the summary of a  
1241 reporting entity's contributions and expenditures.

1242 (49) "Supervisory board" means the individual or group of individuals that allocate  
1243 expenditures from a political issues committee.

1244 Section 10. Section **20A-11-205** is amended to read:

1245 **20A-11-205. State office candidate -- Financial reporting requirements --**  
1246 **Termination of duty to report.**

1247 (1) Each state office candidate and the candidate's personal campaign committee is  
1248 active and subject to interim reporting requirements until the candidate withdraws or is  
1249 eliminated in a [~~convention or~~] primary election.

1250 (2) Each state office candidate and the candidate's personal campaign committee is  
1251 active and subject to year-end summary reporting requirements until the candidate has filed a  
1252 statement of dissolution with the lieutenant governor stating that:

1253 (a) the state office candidate or the personal campaign committee is no longer receiving  
1254 contributions and is no longer making expenditures;

1255 (b) the ending balance on the last summary report filed is zero and the balance in the  
1256 separate bank account required in Section 20A-11-201 is zero; and

1257 (c) a final summary report in the form required by Section 20A-11-203 showing a zero  
1258 balance is attached to the statement of dissolution.

1259 (3) A statement of dissolution and a final summary report may be filed at any time.

1260 (4) Each state office candidate and the candidate's personal campaign committee shall  
1261 continue to file the year-end summary report required by Section 20A-11-203 until the  
1262 statement of dissolution and final summary report required by this section are filed with the  
1263 lieutenant governor.

1264 Section 11. Section **20A-11-304** is amended to read:

1265 **20A-11-304. Legislative office candidate -- Financial reporting requirements --**  
1266 **Termination of duty to report.**

1267 (1) Each legislative candidate is subject to interim reporting requirements until the

1268 candidate withdraws or is eliminated in a [~~convention or~~] primary election.

1269 (2) Each legislative office candidate is subject to year-end summary reporting  
1270 requirements until the candidate has filed a statement of dissolution with the lieutenant  
1271 governor stating that:

1272 (a) the legislative office candidate is no longer receiving contributions and is no longer  
1273 making expenditures;

1274 (b) the ending balance on the last summary report filed is zero and the balance in the  
1275 separate bank account required in Section 20A-11-301 is zero; and

1276 (c) a final summary report in the form required by Section 20A-11-302 showing a zero  
1277 balance is attached to the statement of dissolution.

1278 (3) A statement of dissolution and a final summary report may be filed at any time.

1279 (4) Each legislative office candidate shall continue to file the year-end summary report  
1280 required by Section 20A-11-302 until the statement of dissolution and final summary report  
1281 required by this section are filed with the lieutenant governor.

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**Legislative Review Note**  
**as of 2-22-11 5:26 PM**

**Office of Legislative Research and General Counsel**