

1 **PRIMARY ELECTIONS MODIFICATIONS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Marc K. Roberts**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code to provide that, for certain primary races for offices
10 where more than two candidates are seeking the nomination of the same political party
11 for the same office, if one candidate does not receive more than 50% of the votes cast in
12 the race, the party shall choose a nominee from among the candidates.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ provides that, for certain primary races for offices where more than two candidates
17 are seeking the nomination of the same political party for the same office, if one
18 candidate does not receive more than 50% of the votes cast in the race, the party
19 shall, in accordance with the party's bylaws, choose a nominee from among the
20 candidates; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 **20A-1-102**, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 29 **20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1
- 30 **20A-1-304**, as last amended by Laws of Utah 2001, Chapter 20
- 31 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309
- 32 **20A-9-101**, as last amended by Laws of Utah 2014, Chapter 17
- 33 **20A-9-403**, as last amended by Laws of Utah 2014, Chapter 17
- 34 **20A-9-406**, as enacted by Laws of Utah 2014, Chapter 17
- 35 **20A-9-407**, as enacted by Laws of Utah 2014, Chapter 17
- 36 **20A-9-408**, as enacted by Laws of Utah 2014, Chapter 17
- 37 **63I-1-220**, as last amended by Laws of Utah 2014, Chapter 231

38 ENACTS:

39 **20A-4-303.5**, Utah Code Annotated 1953



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

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

43 **20A-1-102. Definitions.**

44 As used in this title:

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

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

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

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

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

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

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

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

- 59 (a) an opinion question specifically authorized by the Legislature;
60 (b) a constitutional amendment;
61 (c) an initiative;
62 (d) a referendum;
63 (e) a bond proposition;
64 (f) a judicial retention question;
65 (g) an incorporation of a city or town; or
66 (h) any other ballot question specifically authorized by the Legislature.
- 67 (6) "Ballot sheet":
68 (a) means a ballot that:
69 (i) consists of paper or a card where the voter's votes are marked or recorded; and
70 (ii) can be counted using automatic tabulating equipment; and
71 (b) includes punch card ballots and other ballots that are machine-countable.
- 72 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
73 together with a staple or stitch in at least three places across the top of the paper in the blank
74 space reserved for securing the paper.
- 75 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
76 [20A-4-306](#) to canvass election returns.
- 77 (9) "Bond election" means an election held for the purpose of approving or rejecting
78 the proposed issuance of bonds by a government entity.
- 79 (10) "Book voter registration form" means voter registration forms contained in a
80 bound book that are used by election officers and registration agents to register persons to vote.
- 81 (11) "Business reply mail envelope" means an envelope that may be mailed free of
82 charge by the sender.
- 83 (12) "By-mail voter registration form" means a voter registration form designed to be
84 completed by the voter and mailed to the election officer.
- 85 (13) "Canvass" means the review of election returns and the official declaration of
86 election results by the board of canvassers.
- 87 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
88 the canvass.
- 89 (15) "Contracting election officer" means an election officer who enters into a contract

90 or interlocal agreement with a provider election officer.

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

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

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

97 (19) "Counting poll watcher" means a person selected as provided in Section
98 [20A-3-201](#) to witness the counting of ballots.

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

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

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

105 (a) means the day that is specified in the calendar year as the day that the election
106 occurs; and

107 (b) does not include:

108 (i) deadlines established for absentee voting; or

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

111 (23) "Elected official" means:

112 (a) a person elected to an office under Section [20A-1-303](#);

113 (b) a person who is considered to be elected to a municipal office in accordance with
114 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

115 (c) a person who is considered to be elected to a local district office in accordance with
116 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

117 (24) "Election" means a regular general election, a municipal general election, a
118 statewide special election, a local special election, a regular primary election, a municipal
119 primary election, and a local district election.

120 (25) "Election Assistance Commission" means the commission established by Public

121 Law 107-252, the Help America Vote Act of 2002.

122 (26) "Election cycle" means the period beginning on the first day persons are eligible to
123 file declarations of candidacy and ending when the canvass is completed.

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

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

128 (28) "Election officer" means:

- 129 (a) the lieutenant governor, for all statewide ballots and elections;
- 130 (b) the county clerk for:
 - 131 (i) a county ballot and election; and
 - 132 (ii) a ballot and election as a provider election officer as provided in Section

133 [20A-5-400.1](#) or [20A-5-400.5](#);

134 (c) the municipal clerk for:

- 135 (i) a municipal ballot and election; and
- 136 (ii) a ballot and election as a provider election officer as provided in Section

137 [20A-5-400.1](#) or [20A-5-400.5](#);

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

- 139 (i) a local district ballot and election; and
- 140 (ii) a ballot and election as a provider election officer as provided in Section

141 [20A-5-400.1](#) or [20A-5-400.5](#); or

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

- 143 (i) a school district ballot and election; and
- 144 (ii) a ballot and election as a provider election officer as provided in Section

145 [20A-5-400.1](#) or [20A-5-400.5](#).

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

147 (30) "Election results" means:

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

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

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

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

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

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

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

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

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

165 (b) failed to respond to that notice.

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

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

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

171 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
172 Local Government Entities - Local Districts, and includes a special service district under Title
173 17D, Chapter 1, Special Service District Act.

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

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

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

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

183 vote.

184 (44) "Multi-candidate primary race" means a primary race:

185 (a) where one individual is to be nominated;

186 (b) in which more than two candidates qualify for placement on the primary election

187 ballot for the same political party and for the same office; and

188 (c) where the race is for one of the following offices:

189 (i) a United States congressional office;

190 (ii) a state legislative office;

191 (iii) governor;

192 (iv) attorney general;

193 (v) state treasurer;

194 (vi) state auditor; or

195 (vii) a partisan, elected county office.

196 [~~44~~] (45) "Municipal executive" means:

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

198 or

199 (b) the mayor in the council-manager form of government defined in Subsection
200 10-3b-103(6).

201 [~~45~~] (46) "Municipal general election" means the election held in municipalities and,
202 as applicable, local districts on the first Tuesday after the first Monday in November of each
203 odd-numbered year for the purposes established in Section 20A-1-202.

204 [~~46~~] (47) "Municipal legislative body" means the council of the city or town in any
205 form of municipal government.

206 [~~47~~] (48) "Municipal office" means an elective office in a municipality.

207 [~~48~~] (49) "Municipal officers" means those municipal officers that are required by
208 law to be elected.

209 [~~49~~] (50) "Municipal primary election" means an election held to nominate
210 candidates for municipal office.

211 [~~50~~] (51) "Official ballot" means the ballots distributed by the election officer to the
212 poll workers to be given to voters to record their votes.

213 [~~51~~] (52) "Official endorsement" means:

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

215 (i) the ballot as an official ballot;

216 (ii) the date of the election; and

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

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

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

220 (ii) the ballot number.

221 [~~52~~] (53) "Official register" means the official record furnished to election officials

222 by the election officer that contains the information required by Section 20A-5-401.

223 [~~53~~] (54) "Paper ballot" means a paper that contains:

224 (a) the names of offices and candidates and statements of ballot propositions to be

225 voted on; and

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

227 ballot proposition.

228 [~~54~~] (55) "Pilot project" means the election day voter registration pilot project created

229 in Section 20A-4-108.

230 [~~55~~] (56) "Political party" means an organization of registered voters that has

231 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party

232 Formation and Procedures.

233 [~~56~~] (57) "Pollbook" means a record of the names of voters in the order that they

234 appear to cast votes.

235 [~~57~~] (58) "Polling place" means the building where voting is conducted.

236 [~~58~~] (59) (a) "Poll worker" means a person assigned by an election official to assist

237 with an election, voting, or counting votes.

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

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

240 [~~59~~] (60) "Position" means a square, circle, rectangle, or other geometric shape on a

241 ballot in which the voter marks the voter's choice.

242 [~~60~~] (61) "Primary convention" means the political party conventions held during the

243 year of the regular general election.

244 [~~61~~] (62) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

247 ~~[(62)]~~ (63) "Provider election officer" means an election officer who enters into a
248 contract or interlocal agreement with a contracting election officer to conduct an election for
249 the contracting election officer's local political subdivision in accordance with Section
250 [20A-5-400.1](#).

251 ~~[(63)]~~ (64) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

255 ~~[(64)]~~ (65) "Provisional ballot envelope" means an envelope printed in the form
256 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
257 information to verify a person's legal right to vote.

258 ~~[(65)]~~ (66) "Qualify" or "qualified" means to take the oath of office and begin
259 performing the duties of the position for which the person was elected.

260 ~~[(66)]~~ (67) "Receiving judge" means the poll worker that checks the voter's name in the
261 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
262 after the voter has voted.

263 ~~[(67)]~~ (68) "Registration form" means a book voter registration form and a by-mail
264 voter registration form.

265 ~~[(68)]~~ (69) "Regular ballot" means a ballot that is not a provisional ballot.

266 ~~[(69)]~~ (70) "Regular general election" means the election held throughout the state on
267 the first Tuesday after the first Monday in November of each even-numbered year for the
268 purposes established in Section [20A-1-201](#).

269 ~~[(70)]~~ (71) "Regular primary election" means the election on the fourth Tuesday of
270 June of each even-numbered year, to nominate candidates of political parties and candidates for
271 nonpartisan local school board positions to advance to the regular general election.

272 ~~[(71)]~~ (72) "Resident" means a person who resides within a specific voting precinct in
273 Utah.

274 ~~[(72)]~~ (73) "Sample ballot" means a mock ballot similar in form to the official ballot
275 printed and distributed as provided in Section [20A-5-405](#).

276 ~~[(73)]~~ (74) "Scratch vote" means to mark or punch the straight party ticket and then
277 mark or punch the ballot for one or more candidates who are members of different political
278 parties.

279 ~~[(74)]~~ (75) "Secrecy envelope" means the envelope given to a voter along with the
280 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
281 secrecy of the voter's vote.

282 ~~[(75)]~~ (76) "Special election" means an election held as authorized by Section
283 [20A-1-203](#).

284 ~~[(76)]~~ (77) "Spoiled ballot" means each ballot that:

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

288 ~~[(77)]~~ (78) "Statewide special election" means a special election called by the governor
289 or the Legislature in which all registered voters in Utah may vote.

290 ~~[(78)]~~ (79) "Stub" means the detachable part of each ballot.

291 ~~[(79)]~~ (80) "Substitute ballots" means replacement ballots provided by an election
292 officer to the poll workers when the official ballots are lost or stolen.

293 ~~[(80)]~~ (81) "Ticket" means each list of candidates for each political party or for each
294 group of petitioners.

295 ~~[(81)]~~ (82) "Transfer case" means the sealed box used to transport voted ballots to the
296 counting center.

297 ~~[(82)]~~ (83) "Vacancy" means the absence of a person to serve in any position created
298 by statute, whether that absence occurs because of death, disability, disqualification,
299 resignation, or other cause.

300 ~~[(83)]~~ (84) "Valid voter identification" means:

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

- 303 (i) a currently valid Utah driver license;
304 (ii) a currently valid identification card that is issued by:
305 (A) the state; or
306 (B) a branch, department, or agency of the United States;

- 307 (iii) a currently valid Utah permit to carry a concealed weapon;
- 308 (iv) a currently valid United States passport; or
- 309 (v) a currently valid United States military identification card;
- 310 (b) one of the following identification cards, whether or not the card includes a
- 311 photograph of the voter:
- 312 (i) a valid tribal identification card;
- 313 (ii) a Bureau of Indian Affairs card; or
- 314 (iii) a tribal treaty card; or
- 315 (c) two forms of identification not listed under Subsection [~~(83)~~] (84)(a) or (b) but that
- 316 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
- 317 which may include:
- 318 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 319 election;
- 320 (ii) a bank or other financial account statement, or a legible copy thereof;
- 321 (iii) a certified birth certificate;
- 322 (iv) a valid Social Security card;
- 323 (v) a check issued by the state or the federal government or a legible copy thereof;
- 324 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 325 (vii) a currently valid Utah hunting or fishing license;
- 326 (viii) certified naturalization documentation;
- 327 (ix) a currently valid license issued by an authorized agency of the United States;
- 328 (x) a certified copy of court records showing the voter's adoption or name change;
- 329 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 330 (xii) a currently valid identification card issued by:
- 331 (A) a local government within the state;
- 332 (B) an employer for an employee; or
- 333 (C) a college, university, technical school, or professional school located within the
- 334 state; or
- 335 (xiii) a current Utah vehicle registration.
- 336 [~~(84)~~] (85) "Valid write-in candidate" means a candidate who has qualified as a
- 337 write-in candidate by following the procedures and requirements of this title.

338 [~~(85)~~] (86) "Voter" means a person who:

339 (a) meets the requirements for voting in an election;

340 (b) meets the requirements of election registration;

341 (c) is registered to vote; and

342 (d) is listed in the official register book.

343 [~~(86)~~] (87) "Voter registration deadline" means the registration deadline provided in

344 Section [20A-2-102.5](#).

345 [~~(87)~~] (88) "Voting area" means the area within six feet of the voting booths, voting

346 machines, and ballot box.

347 [~~(88)~~] (89) "Voting booth" means:

348 (a) the space or compartment within a polling place that is provided for the preparation
349 of ballots, including the voting machine enclosure or curtain; or

350 (b) a voting device that is free standing.

351 [~~(89)~~] (90) "Voting device" means:

352 (a) an apparatus in which ballot sheets are used in connection with a punch device for
353 piercing the ballots by the voter;

354 (b) a device for marking the ballots with ink or another substance;

355 (c) an electronic voting device or other device used to make selections and cast a ballot
356 electronically, or any component thereof;

357 (d) an automated voting system under Section [20A-5-302](#); or

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

360 [~~(90)~~] (91) "Voting machine" means a machine designed for the sole purpose of
361 recording and tabulating votes cast by voters at an election.

362 [~~(91)~~] (92) "Voting poll watcher" means a person appointed as provided in this title to
363 witness the distribution of ballots and the voting process.

364 [~~(92)~~] (93) "Voting precinct" means the smallest voting unit established as provided by
365 law within which qualified voters vote at one polling place.

366 [~~(93)~~] (94) "Watcher" means a voting poll watcher, a counting poll watcher, an
367 inspecting poll watcher, and a testing watcher.

368 [~~(94)~~] (95) "Western States Presidential Primary" means the election established in

369 Chapter 9, Part 8, Western States Presidential Primary.

370 [~~(95)~~] (96) "Write-in ballot" means a ballot containing any write-in votes.

371 [~~(96)~~] (97) "Write-in vote" means a vote cast for a person whose name is not printed on
372 the ballot according to the procedures established in this title.

373 Section 2. Section **20A-1-303** is amended to read:

374 **20A-1-303. Determining results.**

375 (1) (a) [~~When~~] Except as provided in Section [20A-4-303.5](#), when one person is to be
376 elected or nominated, the person receiving the highest number of votes at any:

377 (i) election for any office to be filled at that election is elected to that office; and

378 (ii) primary for nomination for any office is nominated for that office.

379 (b) When more than one person is to be elected or nominated, the persons receiving the
380 highest number of votes at any:

381 (i) election for any office to filled at that election are elected to that office; and

382 (ii) primary for nomination for any office are nominated for that office.

383 (2) Any ballot proposition submitted to voters for their approval or rejection:

384 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and

385 (b) fails if:

386 (i) the number of "yes" votes equal the number of "no" votes; or

387 (ii) the number of "no" votes is greater than the number of "yes" votes.

388 Section 3. Section **20A-1-304** is amended to read:

389 **20A-1-304. Tie votes.**

390 (1) Except as provided in Subsection (2) or Section [20A-4-303.5](#), if two or more
391 candidates for a position have an equal and the highest number of votes for any office, the
392 election officer shall determine by lot which candidate is selected in a public meeting in the
393 presence of each person subject to the tie within 30 days of the canvass or within 30 days of the
394 recount if one is requested or held.

395 (2) For any municipal primary election, if two or more candidates for a position have
396 an equal and the highest number of votes for any office, the election officer shall determine by
397 lot which candidate is selected in a public meeting in the presence of each person subject to the
398 tie within five days of the canvass or within five days of the recount if one is requested or held.

399 Section 4. Section **20A-4-303.5** is enacted to read:

400 **20A-4-303.5. Determining nominee in multi-candidate primary race.**401 (1) Except as provided in Subsection (2), in a multi-candidate primary race the
402 candidate who receives the highest number of votes is nominated.403 (2) If the candidate who receives the highest number of votes in a multi-candidate
404 primary race does not receive more than 50% of the total votes cast in that race, the party shall,
405 within 60 days after the day on which the board of canvassers certifies the vote totals:406 (a) in accordance with the party's bylaws, choose, from among the candidates whose
407 names appeared on the ballot for the multi-candidate primary race, the candidate who will be
408 the party's nominee; and409 (b) provide to the election judge for the next general election a certificate of
410 nomination stating the name of the candidate chosen.411 Section 5. Section **20A-4-304** is amended to read:412 **20A-4-304. Declaration of results -- Canvassers' report.**

413 (1) Each board of canvassers shall:

414 (a) except as provided in Section [20A-4-303.5](#), declare "elected" or "nominated" those
415 persons who:

416 (i) had the highest number of votes; and

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

419 (b) declare:

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

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

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

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

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

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

427 (c) certify the vote totals for persons and for and against ballot propositions that were
428 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
429 the lieutenant governor; and

430 (d) if applicable, certify the results of each local district election to the local district

431 clerk.

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

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

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

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

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

438 (v) from each voting precinct:

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

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

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

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

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

445 (b) The election officer and the board of canvassers shall:

446 (i) review the report to ensure that it is correct; and

447 (ii) sign the report.

448 (c) The election officer shall:

449 (i) record or file the certified report in a book kept for that purpose;

450 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
451 to each nominated or elected candidate;

452 (iii) publish a copy of the certified report:

453 (A) in one or more conspicuous places within the jurisdiction;

454 (B) in a conspicuous place on the county's website; and

455 (C) in a newspaper with general circulation in the board's jurisdiction; and

456 (iv) file a copy of the certified report with the lieutenant governor.

457 (3) When there has been a regular general or a statewide special election for statewide
458 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
459 or more county ballot proposition, each board of canvassers shall:

460 (a) prepare a separate report detailing the number of votes for each candidate and the
461 number of votes for and against each ballot proposition; and

462 (b) transmit it by registered mail to the lieutenant governor.

463 (4) In each county election, municipal election, school election, local district election,
464 and local special election, the election officer shall transmit the reports to the lieutenant
465 governor within 14 days after the date of the election.

466 (5) In regular primary elections and in the Western States Presidential Primary, the
467 board shall transmit to the lieutenant governor:

468 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
469 governor:

470 (i) not later than the second Tuesday after the primary election for the regular primary
471 election; and

472 (ii) not later than the Tuesday following the election for the Western States Presidential
473 Primary; and

474 (b) a complete tabulation showing voting totals for all primary races, precinct by
475 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
476 primary election.

477 Section 6. Section **20A-9-101** is amended to read:

478 **20A-9-101. Definitions.**

479 As used in this chapter:

480 (1) (a) "Candidates for elective office" means persons who file a declaration of
481 candidacy under Section **20A-9-202** to run in a regular general election for a federal office,
482 constitutional office, multicounty office, or county office.

483 (b) "Candidates for elective office" does not mean candidates for:

484 (i) justice or judge of court of record or not of record;

485 (ii) presidential elector;

486 (iii) any political party offices; and

487 (iv) municipal or local district offices.

488 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
489 attorney general, state auditor, and state treasurer.

490 (3) "Continuing political party" is as defined in Section **20A-8-101**.

491 (4) (a) "County office" means an elective office where the office holder is selected by
492 voters entirely within one county.

- 493 (b) "County office" does not mean:
- 494 (i) the office of justice or judge of any court of record or not of record;
- 495 (ii) the office of presidential elector;
- 496 (iii) any political party offices;
- 497 (iv) any municipal or local district offices; and
- 498 (v) the office of United States Senator and United States Representative.
- 499 (5) "Federal office" means an elective office for United States Senator and United
- 500 States Representative.
- 501 (6) "Filing officer" means:
- 502 (a) the lieutenant governor, for:
- 503 (i) the office of United States Senator and United States Representative; and
- 504 (ii) all constitutional offices;
- 505 (b) the county clerk, for county offices and local school district offices, and the county
- 506 clerk in the filer's county of residence, for multicounty offices;
- 507 (c) the city or town clerk, for municipal offices; and
- 508 (d) the local district clerk, for local district offices.
- 509 (7) "Local district office" means an elected office in a local district.
- 510 (8) "Local government office" includes county offices, municipal offices, and local
- 511 district offices and other elective offices selected by the voters from a political division entirely
- 512 within one county.
- 513 (9) (a) "Multicounty office" means an elective office where the office holder is selected
- 514 by the voters from more than one county.
- 515 (b) "Multicounty office" does not mean:
- 516 (i) a county office;
- 517 (ii) a federal office;
- 518 (iii) the office of justice or judge of any court of record or not of record;
- 519 (iv) the office of presidential elector;
- 520 (v) any political party offices; and
- 521 (vi) any municipal or local district offices.
- 522 (10) "Municipal office" means an elective office in a municipality.
- 523 (11) (a) "Political division" means a geographic unit from which an office holder is

524 elected and that an office holder represents.

525 (b) "Political division" includes a county, a city, a town, a local district, a school
526 district, a legislative district, and a county prosecution district.

527 (12) "Qualified political party" means a registered political party that:

528 (a) permits voters who are unaffiliated with any political party to vote for the registered
529 political party's candidates in a primary election;

530 (b) (i) permits a delegate for the registered political party to vote on a candidate
531 nomination in the registered political party's convention remotely; or

532 (ii) provides a procedure for designating an alternate delegate if a delegate is not
533 present at the registered political party's convention;

534 (c) does not hold the registered political party's convention before April 1 of an
535 even-numbered year;

536 (d) permits a member of the registered political party to seek the registered political
537 party's nomination for any elective office by the member choosing to seek the nomination by
538 either or both of the following methods:

539 (i) seeking the nomination through the registered political party's convention process,
540 in accordance with the provisions of Section [20A-9-407](#), including, as applicable, Section
541 [20A-4-303.5](#); or

542 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
543 of Section [20A-9-408](#), including, as applicable, Section [20A-4-303.5](#); and

544 (e) no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the
545 lieutenant governor that, for the election in the following year, the registered political party
546 intends to nominate the registered political party's candidates in accordance with the provisions
547 of Sections [20A-4-303.5](#), [20A-9-407](#), and [20A-9-408](#).

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

549 **20A-9-403. Regular primary elections.**

550 (1) (a) [~~Candidates~~] Except as provided in Section [20A-4-303.5](#), candidates for elective
551 office that are to be filled at the next regular general election shall be nominated in a regular
552 primary election by direct vote of the people in the manner prescribed in this section. The
553 fourth Tuesday of June of each even-numbered year is designated as regular primary election
554 day. Nothing in this section shall affect a candidate's ability to qualify for a regular general

555 election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a
556 regular general election as a write-in candidate under Section 20A-9-601.

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

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

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

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

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

572 (ii) if the registered political party participates in the upcoming regular primary
573 election, identify one or more registered political parties whose members may vote for the
574 registered political party's candidates and whether [~~or not persons~~] an individual identified as
575 unaffiliated with a political party may vote for the registered political party's candidates; and

576 (iii) if the registered political party participates in the upcoming regular primary
577 election, indicate whether [~~it~~] the party chooses to nominate unopposed candidates without
578 their name appearing on the ballot, as described under Subsection (5)(c).

579 (b) A registered political party that is a continuing political party must file the
580 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
581 November 15 of each odd-numbered year. An organization that is seeking to become a
582 registered political party under Section 20A-8-103 must file the statement described in
583 Subsection (2)(b) no later than 5 p.m. on February 15.

584 (3) (a) Except as provided in Subsection (3)(e), a person who [~~has submitted~~] submits a
585 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective

586 office on the regular primary ballot of the registered political party listed on the declaration of
587 candidacy only if the person is certified by the appropriate filing officer as having submitted a
588 set of nomination petitions that was:

589 (i) circulated and completed in accordance with Section [20A-9-405](#); and
590 (ii) signed by at least two percent of the registered political party's members who reside
591 in the political division of the office that the person seeks.

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

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

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

601 (d) The filing officer shall:

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

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

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

607 (iv) consider a person who signs a nomination petition a member of a registered
608 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
609 political party as their preferred party affiliation on their voter registration form prior to 5 p.m.
610 on the final day in March; and

611 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
612 petition signatures, or use statistical sampling procedures to verify submitted nomination
613 petition signatures pursuant to rules issued by the lieutenant governor under Subsection (3)(f).

614 (e) Notwithstanding any other provision in Subsection (3), a candidate for lieutenant
615 governor may appear on the regular primary ballot of a registered political party without
616 submitting nomination petitions if the candidate files a declaration of candidacy and complies

617 with Subsection [20A-9-202\(3\)](#).

618 (f) The lieutenant governor shall issue rules that provide for the use of statistical
619 sampling procedures for filing officers to verify signatures under Subsection (3)(d). The
620 statistical sampling procedures shall reflect a bona fide effort to determine the validity of a
621 candidate's entire submission, using widely recognized statistical sampling techniques. The
622 lieutenant governor may also issue supplemental rules and guidance that provide for the
623 transparent, orderly, and timely submission, verification, and certification of nomination
624 petition signatures.

625 (g) The county clerk shall:

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

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

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

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

635 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
636 county offices who have received certifications under Subsection (3), along with instructions
637 on how those names shall appear on the primary-election ballot in accordance with Section
638 [20A-6-305](#); and

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

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

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

647 "Notice is given that a primary election will be held Tuesday, June ____,

648 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
649 local school board positions listed on the primary ballot. The polling place for voting precinct
650 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
651 Attest: county clerk."

652 (5) (a) [~~Candidates~~] Except as provided in Section 20A-4-303.5, candidates, other than
653 presidential candidates, receiving the highest number of votes cast for each office at the regular
654 primary election are nominated by their registered political party for that office or are
655 nominated as a candidate for a nonpartisan local school board position.

656 (b) If two or more candidates, other than presidential candidates, are to be elected to
657 the office at the regular general election, those party candidates equal in number to positions to
658 be filled who receive the highest number of votes at the regular primary election are the
659 nominees of their party for those positions.

660 (c) A candidate who is unopposed for an elective office in the regular primary election
661 of a registered political party is nominated by the party for that office without appearing on the
662 primary ballot, provided that the party has chosen to nominate unopposed candidates under
663 Subsection (2)(a)(iii). A candidate is "unopposed" if no person other than the candidate has
664 received a certification under Subsection (3) for the regular primary election ballot of the
665 candidate's registered political party for a particular elective office.

666 (6) (a) [~~When~~] Except as otherwise provided in Section 20A-4-303.5, if a tie vote
667 occurs in any primary election for any national, state, or other office that represents more than
668 one county, the governor, lieutenant governor, and attorney general shall, at a public meeting
669 called by the governor and in the presence of the candidates involved, select the nominee by lot
670 cast in whatever manner the governor determines.

671 (b) [~~When~~] Except as otherwise provided in Section 20A-4-303.5, if a tie vote occurs
672 in any primary election for any county office, the district court judges of the district in which
673 the county is located shall, at a public meeting called by the judges and in the presence of the
674 candidates involved, select the nominee by lot cast in whatever manner the judges determine.

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

679 Section 8. Section **20A-9-406** is amended to read:

680 **20A-9-406. Qualified political party -- Requirements and exemptions.**

681 The following provisions apply to a qualified political party:

682 (1) the qualified political party shall certify to the lieutenant governor no later than 5
683 p.m. on March 1 of each even-numbered year:

684 (a) the identity of one or more registered political parties whose members may vote for
685 the qualified political party's candidates; and

686 (b) whether the qualified political party chooses to nominate unopposed candidates
687 without the names of the candidates appearing on the ballot, as described in Subsection
688 [20A-9-403\(5\)\(c\)](#);

689 (2) the provisions of Subsections [20A-9-403\(1\)](#) through (4)(a), Subsection
690 [20A-9-403\(5\)\(c\)](#), and Section [20A-9-405](#) do not apply to a nomination for the qualified
691 political party;

692 (3) except as provided in Section [20A-4-303.5](#), an individual may only obtain a
693 nomination for the qualified political party by using a method described in Section [20A-9-407](#),
694 Section [20A-9-408](#), or both;

695 (4) the qualified political party shall comply with the provisions of Sections
696 [20A-4-303.5](#), [20A-9-407](#), [20A-9-408](#), and [20A-9-409](#);

697 (5) notwithstanding Subsection [20A-6-301\(1\)\(a\)](#), (1)(g), or (2)(a), each election officer
698 shall ensure that a ballot described in Section [20A-6-301](#) includes each person nominated by a
699 qualified political party under Section [20A-4-303.5](#), [20A-9-407](#), or [20A-9-408](#):

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

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

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

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

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

713 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
714 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
715 20A-9-408 to run in a regular general election for a federal office, constitutional office,
716 multicounty office, or county office;

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

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

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

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

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

730 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
731 elective office in the regular primary election of the qualified political party is nominated by
732 the party for that office without appearing on the primary ballot, provided that the party has
733 chosen to nominate unopposed candidates under Subsection 20A-9-403(2)(a)(iii); and

734 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
735 20A-9-405, the qualified political party is entitled to have the names of its candidates for
736 elective office featured with party affiliation on the ballot at a regular general election.

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

738 **20A-9-407. Convention nomination process for qualified political party.**

739 (1) This section describes the requirements for a member of a qualified political party
740 who is seeking the nomination of a qualified political party for an elective office through the

741 qualified political party's convention nomination process.

742 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
743 candidacy for a member of a qualified political party who is nominated by, or who is seeking
744 the nomination of, the qualified political party under this section shall be substantially as
745 follows:

746 "State of Utah, County of _____

747 I, _____, declare my intention of becoming a candidate for the office of
748 _____ as a candidate for the _____ party. I do solemnly swear that: I will meet the qualifications
749 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
750 the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate
751 any law governing campaigns and elections; I will file all campaign financial disclosure reports
752 as required by law; and I understand that failure to do so will result in my disqualification as a
753 candidate for this office and removal of my name from the ballot. The mailing address that I
754 designate for receiving official election notices is

755 _____
756 _____.

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

759 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
760 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
761 nomination of the qualified political party for an elective office that is to be filled at the next
762 general election, shall:

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

766 (b) pay the filing fee.

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

771 (a) file a declaration of candidacy with the county clerk designated in the interlocal

772 agreement creating the prosecution district on or after the second Friday in March and before 5
773 p.m. on the third Thursday in March before the next regular general election; and

774 (b) pay the filing fee.

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

780 (6) The lieutenant governor shall ensure that the certification described in Subsection
781 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
782 under this section or Section [20A-4-303.5](#).

783 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
784 is nominated by a qualified political party under this section or Section [20A-4-303.5](#), designate
785 the qualified political party that nominated the candidate.

786 Section 10. Section **20A-9-408** is amended to read:

787 **20A-9-408. Signature-gathering nomination process for qualified political party.**

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

791 (2) Notwithstanding Subsection [20A-9-201\(4\)\(a\)](#), the form of the declaration of
792 candidacy for a member of a qualified political party who is nominated by, or who is seeking
793 the nomination of, the qualified political party under this section shall be substantially as
794 follows:

795 "State of Utah, County of ____

796 I, _____, declare my intention of becoming a candidate for the office of
797 ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the qualifications
798 to hold the office, both legally and constitutionally, if selected; I reside at _____ in
799 the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate
800 any law governing campaigns and elections; I will file all campaign financial disclosure reports
801 as required by law; and I understand that failure to do so will result in my disqualification as a
802 candidate for this office and removal of my name from the ballot. The mailing address that I

803 designate for receiving official election notices is

804 _____
805 _____.

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

808 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
809 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
810 nomination of the qualified political party for an elective office that is to be filled at the next
811 general election shall:

812 (a) within the period beginning on January 1 before the next regular general election
813 and ending on the third Thursday in March of the same year, and before gathering signatures
814 under this section, file with the filing officer on a form approved by the lieutenant governor a
815 notice of intent to gather signatures for candidacy that includes:

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

818 (ii) the name of the registered political party for which the member is seeking
819 nomination;

820 (iii) the office for which the member is seeking to become a candidate;

821 (iv) the address and telephone number of the member; and

822 (v) other information required by the lieutenant governor;

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

826 (c) pay the filing fee.

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

831 (a) on or after January 1 before the next regular general election, and before gathering
832 signatures under this section, file with the filing officer on a form approved by the lieutenant
833 governor a notice of intent to gather signatures for candidacy that includes:

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

836 (ii) the name of the registered political party for which the member is seeking
837 nomination;

838 (iii) the office for which the member is seeking to become a candidate;

839 (iv) the address and telephone number of the member; and

840 (v) other information required by the lieutenant governor;

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

844 (c) pay the filing fee.

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

850 (6) The lieutenant governor shall ensure that the certification described in Subsection
851 [20A-9-701\(1\)](#) also includes the name of each candidate nominated by a qualified political party
852 under this section or Section [20A-4-303.5](#).

853 (7) Notwithstanding Subsection [20A-9-701\(2\)](#), the ballot shall, for each candidate who
854 is nominated by a qualified political party under this section or Section [20A-4-303.5](#), designate
855 the qualified political party that nominated the candidate.

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

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

859 (b) collecting signatures, on a form approved by the lieutenant governor's office, during
860 the period beginning on January 1 of an even-numbered year and ending 14 days before the day
861 on which the qualified political party's convention for the office is held, in the following
862 amounts:

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

865 a primary election;

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

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

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

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

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

881 (i) collect the signatures on a form approved by the lieutenant governor's office, using
882 the same circulation and verification requirements described in Sections [20A-7-304](#) and
883 [20A-7-305](#); and

884 (ii) submit the signatures to the election officer no later than 14 days before the day on
885 which the qualified political party holds its convention to select candidates, for the elective
886 office, for the qualified political party's nomination.

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

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

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

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

896 (9)(c)(i).

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

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

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

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

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

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

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

917 Section 11. Section 63I-1-220 is amended to read:

918 **63I-1-220. Repeal dates, Title 20A.**

919 On January 1, 2017:

920 (1) Subsection 20A-1-102[(54)](55) is repealed.

921 (2) Subsection 20A-2-102.5(1) the language that states "20A-4-108, or" is repealed.

922 (3) Subsection 20A-2-201(3) the language that states "Except as provided in
923 Subsection 20A-4-108(5)," is repealed.

924 (4) Subsection 20A-2-202(3)(a) the language that states "Except as provided in
925 Subsection 20A-4-108(6)," is repealed.

926 (5) Subsection 20A-2-204(5)(a) the language that states "Except as provided in

- 927 Subsection 20A-4-108(7)," is repealed.
- 928 (6) Subsection 20A-2-205(7)(a) the language that states "Except as provided in
- 929 Subsection 20A-4-108(8)," is repealed.
- 930 (7) Subsection 20A-2-206(8)(b) the language that states "Except as provided in
- 931 Subsection 20A-4-108(9)," is repealed.
- 932 (8) Subsection 20A-2-307(2)(a) is repealed.
- 933 (9) Subsection 20A-4-107(2)(b) the language that states "Except as provided in
- 934 Subsection 20A-4-108(10)," is repealed.
- 935 (10) Subsection 20A-4-107(3) the language that states "or if the voter is, in accordance
- 936 with the pilot project, registered to vote under Subsection 20A-4-108(10)," is repealed.
- 937 (11) Subsection 20A-4-107(4) the language that states "Except as provided in
- 938 Subsection 20A-4-108(12)," is repealed.
- 939 (12) Section 20A-4-108 is repealed.

Legislative Review Note
as of 2-11-15 10:32 AM

Office of Legislative Research and General Counsel