

**CANDIDATE PARTY AFFILIATION**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Benjamin M. McAdams**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code by amending ballot provisions for a candidate nominated by more than one political party.

**Highlighted Provisions:**

This bill:

- ▶ repeals a provision that prohibits a candidate from appearing on the ballot for more than one political party;
- ▶ requires an election officer to ensure that each candidate nominated by any registered political party is placed on the ballot once for each political party nomination the candidate receives;
- ▶ amends provisions for filling a vacancy in the Legislature, a county elected office, and a county and district attorney office when the official vacating the office was nominated by more than one political party;
- ▶ provides that an election judge shall count only one vote for a candidate who is listed on the ballot more than once;
- ▶ requires an automated voting system to allow a candidate to be listed on the ballot more than once for the same office under separate political parties;
- ▶ provides that all votes for a candidate are counted in the final count for the candidate;
- ▶ allows a person to declare candidacy for more than one but not more than three



28 political parties; and  
29       ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36       **20A-1-503**, as last amended by Laws of Utah 2010, Chapter 165
- 37       **20A-1-508**, as last amended by Laws of Utah 2010, Chapter 197
- 38       **20A-1-509.1**, as last amended by Laws of Utah 2010, Chapter 197
- 39       **20A-4-105**, as last amended by Laws of Utah 1999, Chapter 56
- 40       **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329
- 41       **20A-6-301**, as last amended by Laws of Utah 2009, Chapter 202
- 42       **20A-6-302**, as last amended by Laws of Utah 2006, Chapter 326
- 43       **20A-6-303**, as last amended by Laws of Utah 2009, Chapter 202
- 44       **20A-6-304**, as last amended by Laws of Utah 2008, Chapters 225 and 315
- 45       **20A-6-401.1**, as last amended by Laws of Utah 2009, Chapter 202
- 46       **20A-9-201**, as last amended by Laws of Utah 2010, Chapter 12
- 47       **20A-9-404**, as last amended by Laws of Utah 2007, Chapter 256

48 ENACTS:

- 49       **20A-6-305**, Utah Code Annotated 1953



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

52       Section 1. Section **20A-1-503** is amended to read:

53       **20A-1-503. Midterm vacancies in the Legislature.**

54       (1) As used in this section:

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

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

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

58       (b) "Party liaison" means the political party officer designated to serve as a liaison with

59 the lieutenant governor on all matters relating to the political party's relationship with the state  
60 as required by Section 20A-8-401.

61 (c) "Same political party" means the political party:

62 (i) whose nominee was elected in the previous election; and

63 (ii) under which the candidate received the highest number of votes in the previous  
64 election, if more than one party nominated the candidate.

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

68 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in  
69 the office of senator in the Legislature, it shall be filled for the unexpired term at the next  
70 regular general election.

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

74 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but  
75 before September 1 of an even-numbered year in which the term of office does not expire, the  
76 lieutenant governor shall:

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

81 (A) a declaration of candidacy; or

82 (B) a certificate of nomination; and

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

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

85 (B) to each registered political party.

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

87 (i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or

88 certificate of nomination according to the procedures and requirements of Chapter 9, Candidate  
89 Qualifications and Nominating Procedures; and

- 90 (ii) run in the regular general election if:
- 91 (A) nominated as a party candidate; or
- 92 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
- 93 Qualifications and Nominating Procedures.
- 94 (c) If a vacancy described in Subsection (3)(a) occurs on or after May 1 and before
- 95 September 1 of an even-numbered year in which the term of office does not expire, a party
- 96 liaison from each registered political party may submit a name of a person described in
- 97 Subsection (4)(b) to the lieutenant governor by August 31 for placement on the regular general
- 98 election ballot.
- 99 (5) If a vacancy described in Subsection (3)(a) occurs on or after September 1 of an
- 100 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the
- 101 unexpired term by immediately appointing the person whose name was submitted by the party
- 102 liaison of the same political party as the prior senator.

103 Section 2. Section **20A-1-508** is amended to read:

104 **20A-1-508. Midterm vacancies in county elected offices.**

105 (1) As used in this section:

106 (a) "County offices" includes the county executive, members of the county legislative

107 body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county

108 recorder, the county surveyor, and the county assessor.

109 (b) "County offices" does not mean the offices of president and vice president of the

110 United States, United States senators and representatives, members of the Utah Legislature,

111 state constitutional officers, county attorneys, district attorneys, and judges.

112 (c) "Same political party" means the political party:

113 (i) whose nominee was elected in the previous election; and

114 (ii) under which the candidate received the highest number of votes in the previous

115 election, if more than one party nominated the candidate.

116 (2) (a) Until a replacement is selected as provided in this section and has qualified, the

117 county legislative body shall appoint an interim replacement to fill the vacant office by

118 following the procedures and requirements of this Subsection (2).

119 (b) (i) To appoint an interim replacement, the county legislative body shall give notice

120 of the vacancy to the county central committee of the same political party of the prior office

121 holder and invite that committee to submit the names of three nominees to fill the vacancy.

122 (ii) That county central committee shall, within 30 days, submit the names of three  
123 nominees for the interim replacement to the county legislative body.

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

126 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the  
127 vacancy within 45 days, the county clerk shall send to the governor a letter that:

128 (A) informs the governor that the county legislative body has failed to appoint a  
129 replacement within the statutory time period; and

130 (B) contains the list of nominees submitted by the party central committee.

131 (ii) The governor shall appoint an interim replacement from that list of nominees to fill  
132 the vacancy within 30 days after receipt of the letter.

133 (d) A person appointed as interim replacement under this Subsection (2) shall hold  
134 office until their successor is elected and has qualified.

135 (3) (a) The requirements of this Subsection (3) apply to all county offices that become  
136 vacant if:

137 (i) the vacant office has an unexpired term of two years or more; and

138 (ii) the vacancy occurs after the election at which the person was elected but before  
139 April 10 of the next even-numbered year.

140 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk  
141 shall notify the public and each registered political party that the vacancy exists.

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

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

145 (B) if nominated as a party candidate or qualified as an independent or write-in  
146 candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general  
147 election.

148 (4) (a) The requirements of this Subsection (4) apply to all county offices that become  
149 vacant if:

150 (i) the vacant office has an unexpired term of two years or more; and

151 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 50

152 days before the regular primary election.

153 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk  
154 shall notify the public and each registered political party that:

155 (A) the vacancy exists; and

156 (B) identifies the date and time by which a person interested in becoming a candidate  
157 must file a declaration of candidacy.

158 (ii) All persons intending to become candidates for the vacant offices shall, within five  
159 days after the date that the notice is made, ending at the close of normal office hours on the  
160 fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2,  
161 Candidate Qualifications and Declarations of Candidacy.

162 (iii) The county central committee of each party shall:

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

165 (B) certify the name of the candidate or candidates to the county clerk at least 35 days  
166 before the regular primary election.

167 (5) (a) The requirements of this Subsection (5) apply to all county offices that become  
168 vacant:

169 (i) if the vacant office has an unexpired term of two years or more; and

170 (ii) when 50 days or less remain before the regular primary election but more than 50  
171 days remain before the regular general election.

172 (b) When the conditions established in Subsection (5)(a) are met, the county central  
173 committees of each political party registered under this title that wishes to submit a candidate  
174 for the office shall summarily certify the name of one candidate to the county clerk for  
175 placement on the regular general election ballot.

176 (6) (a) The requirements of this Subsection (6) apply to all county offices that become  
177 vacant:

178 (i) if the vacant office has an unexpired term of less than two years; or

179 (ii) if the vacant office has an unexpired term of two years or more but 50 days or less  
180 remain before the next regular general election.

181 (b) (i) When the conditions established in Subsection (6)(a) are met, the county  
182 legislative body shall give notice of the vacancy to the county central committee of the same

183 political party as the prior office holder and invite that committee to submit the names of three  
184 nominees to fill the vacancy.

185 (ii) That county central committee shall, within 30 days, submit the names of three  
186 nominees to fill the vacancy to the county legislative body.

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

189 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy within  
190 45 days, the county clerk shall send to the governor a letter that:

191 (A) informs the governor that the county legislative body has failed to appoint a person  
192 to fill the vacancy within the statutory time period; and

193 (B) contains the list of nominees submitted by the party central committee.

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

196 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office  
197 until their successor is elected and has qualified.

198 (7) Except as otherwise provided by law, the county legislative body may appoint  
199 replacements to fill all vacancies that occur in those offices filled by appointment of the county  
200 legislative body.

201 (8) Nothing in this section prevents or prohibits independent candidates from filing a  
202 declaration of candidacy for the office within the same time limits.

203 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a  
204 county office shall serve for the remainder of the unexpired term of the person who created the  
205 vacancy and until a successor is elected and qualified.

206 (b) Nothing in this section may be construed to contradict or alter the provisions of  
207 Section 17-16-6.

208 Section 3. Section **20A-1-509.1** is amended to read:

209 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**  
210 **or more attorneys.**

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

214 (2) (a) The requirements of this Subsection (2) apply when the office of county  
215 attorney or district attorney becomes vacant and:

- 216 (i) the vacant office has an unexpired term of two years or more; and
- 217 (ii) the vacancy occurs before the third Friday in March of the even-numbered year.

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

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

221 (i) file a declaration of candidacy according to the procedures and requirements of  
222 [~~Title 20A,~~] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

223 (ii) if nominated as a party candidate or qualified as an independent or write-in  
224 candidate under [~~Title 20A,~~] Chapter 9, Candidate Qualifications and Nominating Procedures,  
225 run in the regular general election; and

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

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

231 (3) (a) The requirements of this Subsection (3) apply when the office of county  
232 attorney or district attorney becomes vacant and:

- 233 (i) the vacant office has an unexpired term of two years or more; and
- 234 (ii) the vacancy occurs after the third Friday in March of the even-numbered year but  
235 more than 50 days before the regular primary election.

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

- 238 (i) notify the public and each registered political party that the vacancy exists; and
- 239 (ii) identify the date and time by which a person interested in becoming a candidate  
240 must file a declaration of candidacy.

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

242 (i) within five days after the date that the notice is made, ending at at the close of  
243 normal office hours on the fifth day, file a declaration of candidacy for the vacant office as  
244 required by [~~Title 20A,~~] Chapter 9, Part 2, Candidate Qualifications and Nominating



245 Procedures; and

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

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

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

250 (ii) certify the name of the candidate or candidates to the county clerk at least 35 days  
251 before the regular primary election.

252 (4) (a) The requirements of this Subsection (4) apply when the office of county  
253 attorney or district attorney becomes vacant and:

254 (i) the vacant office has an unexpired term of two years or more; and

255 (ii) 50 days or less remain before the regular primary election but more than 50 days  
256 remain before the regular general election.

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

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

263 (5) (a) The requirements of this Subsection (5) apply when the office of county  
264 attorney or district attorney becomes vacant and:

265 (i) the vacant office has an unexpired term of less than two years; or

266 (ii) the vacant office has an unexpired term of two years or more but 50 days or less  
267 remain before the next regular general election.

268 (b) When the conditions established in Subsection (5)(a) are met, the county legislative  
269 body shall give notice of the vacancy to the county central committee of the same political  
270 party as defined in Section 20A-1-508, of the prior officeholder and invite that committee to  
271 submit the names of three nominees to fill the vacancy.

272 (c) That county central committee shall, within 30 days of receiving notice from the  
273 county legislative body, submit to the county legislative body the names of three nominees to  
274 fill the vacancy.

275 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint

276 one of those nominees to serve out the unexpired term.

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

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

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

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

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

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

288 Section 4. Section **20A-4-105** is amended to read:

289 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

290 (1) [~~Each person~~] A counting judge counting ballots shall apply the standards and  
291 requirements of this section to resolve any questions that arise as ballots are counted.

292 (2) Except as provided in [~~Subsection (11)~~] Subsections (11) and (12), if a voter marks  
293 more names than there are persons to be elected to an office, or if for any reason it is  
294 impossible to determine the choice of any voter for any office to be filled, the [~~counter~~]  
295 counting judge may not count that voter's ballot for that office.

296 (3) The [~~counter~~] counting judge shall count a defective or incomplete mark on any  
297 paper ballot if:

298 (a) it is in the proper place; and

299 (b) there is no other mark or cross on the paper ballot indicating the voter's intent to  
300 vote other than as indicated by the defective mark.

301 (4) (a) When the voter has marked the ballot so that it appears that the voter has voted  
302 more than one straight ticket, the [~~election judges~~] counting judge may not count any votes for  
303 party candidates.

304 (b) The [~~election judges~~] counting judge shall count the remainder of the ballot if it is  
305 voted correctly.

306 (5) A [~~counter~~] counting judge may not reject a ballot marked by the voter because of

307 marks on the ballot other than those marks allowed by this section unless the extraneous marks  
308 on a ballot or group of ballots show an intent by a person or group to mark their ballots so that  
309 their ballots can be identified.

310 (6) (a) In counting the ballots, the ~~[counters]~~ counting judge shall give full  
311 consideration to the intent of the voter.

312 (b) The ~~[counters]~~ counting judge may not invalidate a ballot because of mechanical  
313 and technical defects in voting or failure on the part of the voter to follow strictly the rules for  
314 balloting required by Chapter 3, Voting.

315 (7) The ~~[counters]~~ counting judge may not reject a ballot because of any error in:

316 (a) stamping or writing any official endorsement; or

317 (b) delivering the wrong ballots to any polling place.

318 (8) The ~~[counter]~~ counting judge may not count any paper ballot that does not have the  
319 official endorsement by an election officer.

320 (9) If the ~~[counter]~~ counting judge discovers that the name of a candidate voted for is  
321 misspelled or that the initial letters of a candidate's given name are transposed or omitted in  
322 part or altogether, the ~~[counter]~~ counting judge shall count the voter's vote for that candidate if  
323 it is apparent that the voter intended to vote for that candidate.

324 (10) The ~~[counter]~~ counting judge shall count a vote for the president and the vice  
325 president of any political party as a vote for the presidential electors selected by the political  
326 party.

327 (11) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has  
328 cast more votes for an office than that voter is entitled to vote for that office, the ~~[judges]~~  
329 counting judge shall count the valid write-in vote as being the obvious intent of the voter.

330 (12) If more than one political party nominates a candidate as provided by Section  
331 20A-6-305, the counting judge shall:

332 (a) except as provided by Subsection (12)(b), count each vote for a candidate separately  
333 by each political party nomination received by the candidate; and

334 (b) if a voter cast more than one vote for the candidate:

335 (i) count only one vote for the candidate; and

336 (ii) count no vote for purposes of a candidate's political party nomination.

337 Section 5. Section **20A-5-302** is amended to read:

338 **20A-5-302. Automated voting system.**

339 (1) (a) Any county or municipal legislative body or local district board may:

340 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any  
341 automated voting system that meets the requirements of this section; and

342 (ii) use that system in any election, in all or a part of the voting precincts within its  
343 boundaries, or in combination with paper ballots.

344 (b) Nothing in this title shall be construed to require the use of electronic voting  
345 devices in local special elections, municipal primary elections, or municipal general elections.

346 (2) (a) Each automated voting system shall:

347 (i) provide for voting in secrecy, except in the case of voters who have received  
348 assistance as authorized by Section 20A-3-108;

349 (ii) permit each voter at any election to:

350 (A) vote for all persons and offices for whom and for which that voter is lawfully  
351 entitled to vote;

352 (B) vote for as many persons for an office as that voter is entitled to vote; and

353 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

354 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the  
355 candidates of that party for president, vice president, and for their presidential electors;

356 (iv) permit each voter, at any regular general election, to vote for all the candidates of  
357 one registered political party by making one mark or punch;

358 (v) permit each voter to scratch vote;

359 (vi) at elections other than primary elections, permit each voter to vote for:

360 (A) the nominees of one or more parties and for [~~independent~~] unaffiliated candidates;  
361 and

362 (B) a candidate who is listed on the ballot more than once for the same office under  
363 more than one political party for which the candidate is nominated;

364 (vii) at primary elections:

365 (A) permit each voter to vote for candidates of the political party of his choice; and

366 (B) reject any votes cast for candidates of another party;

367 (viii) prevent the voter from voting for the same person more than once for the same  
368 office;

369 (ix) provide the opportunity for each voter to change the ballot and to correct any error  
370 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.  
371 L. No. 107-252;

372 (x) include automatic tabulating equipment that rejects choices recorded on a voter's  
373 ballot if the number of the voter's recorded choices is greater than the number which the voter  
374 is entitled to vote for the office or on the measure;

375 (xi) be of durable construction, suitably designed so that it may be used safely,  
376 efficiently, and accurately in the conduct of elections and counting ballots;

377 (xii) when properly operated, record correctly and count accurately each vote cast;

378 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper  
379 record that:

380 (A) shall be available as an official record for any recount or election contest  
381 conducted with respect to an election where the voting equipment is used;

382 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling  
383 place; and

384 (II) shall permit the voter to inspect the record of the voter's selections independently  
385 only if reasonably practicable commercial methods permitting independent inspection are  
386 available at the time of certification of the voting equipment by the lieutenant governor;

387 (C) shall include, at a minimum, human readable printing that shows a record of the  
388 voter's selections;

389 (D) may also include machine readable printing which may be the same as the human  
390 readable printing; and

391 (E) allows voting poll watchers and counting poll watchers to observe the election  
392 process to ensure its integrity; and

393 (xiv) meet the requirements of Section 20A-5-402.5.

394 (b) For the purposes of a recount or an election contest, if the permanent paper record  
395 contains a conflict or inconsistency between the human readable printing and the machine  
396 readable printing, the human readable printing shall supercede the machine readable printing  
397 when determining the intent of the voter.

398 (c) Notwithstanding any other provisions of this section, the election officers shall  
399 ensure that the ballots to be counted by means of electronic or electromechanical devices are of

400 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable  
401 for use in the counting devices in which they are intended to be placed.

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

403 **20A-6-301. Paper ballots -- Regular general election.**

404 (1) Each election officer shall ensure that:

405 (a) all paper ballots furnished for use at the regular general election contain no captions  
406 or other endorsements except as provided in this section;

407 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the  
408 top of the ballot, and divided from the rest of ballot by a perforated line;

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

411 (iii) ballot stubs are numbered consecutively;

412 (c) immediately below the perforated ballot stub, the following endorsements are  
413 printed in 18-point bold type:

414 (i) "Official Ballot for \_\_\_\_ County, Utah";

415 (ii) the date of the election; and

416 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

417 (d) each ticket is placed in a separate column on the ballot in the order determined by  
418 the election officer with the party emblem, followed by the party name, at the head of the  
419 column;

420 (e) the party name or title is printed in capital letters not less than [~~1/4~~] one-fourth of an  
421 inch high;

422 (f) a circle [~~1/2~~] one-half inch in diameter is printed immediately below the party name  
423 or title, and the top of the circle is placed not less than two inches below the perforated line;

424 (g) unaffiliated candidates and candidates not affiliated with a registered political party  
425 are listed in one column, without a party circle, with the following instructions printed at the  
426 head of the column: "All candidates not affiliated with a political party are listed below. They  
427 are to be considered with all offices and candidates listed to the left. Only one vote is allowed  
428 for each office.";

429 (h) the columns containing the lists of candidates, including the party name and device,  
430 are separated by heavy parallel lines;

431 (i) the offices to be filled are plainly printed immediately above the names of the  
432 candidates for those offices;

433 (j) the names of candidates are printed in capital letters, not less than [~~1/8~~] one-eighth  
434 nor more than [~~1/4~~] one-fourth of an inch high in heavy-faced type not smaller than 10 point,  
435 between lines or rules 3/8 of an inch apart;

436 (k) a square with sides measuring not less than [~~1/4~~] one-fourth of an inch in length is  
437 printed immediately adjacent to the name of each candidate;

438 (l) for the offices of president and vice president and governor and lieutenant governor,  
439 one square with sides measuring not less than [~~1/4~~] one-fourth of an inch in length is printed on  
440 the same side as but opposite a double bracket enclosing the names of the two candidates;

441 (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a  
442 write-in column long enough to contain as many written names of candidates as there are  
443 persons to be elected with:

444 (i) for each office on the ballot, the office to be filled plainly printed immediately  
445 above:

446 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a  
447 square with sides measuring not less than [~~1/4~~] one-fourth of an inch in length printed  
448 immediately adjacent to the blank horizontal line; or

449 (B) for the offices of president and vice president and governor and lieutenant  
450 governor, two blank horizontal lines, one placed above the other, to enable the entry of two  
451 valid write-in candidates, and one square with sides measuring not less than [~~1/4~~] one-fourth of  
452 an inch in length printed on the same side as but opposite a double bracket enclosing the two  
453 blank horizontal lines; and

454 (ii) the words "Write-In Voting Column" printed at the head of the column without a  
455 [~~1/2~~] one-half inch circle;

456 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent  
457 to the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule  
458 running vertically the full length of the nonpartisan ballot copy; and

459 (o) constitutional amendments or other questions submitted to the vote of the people,  
460 are printed on the ballot after the list of candidates.

461 (2) Each election officer shall ensure that:

462 (a) each person nominated by any political party or group of petitioners is placed on the  
463 ballot once for each political party nomination or group of petitioners' petition the person  
464 receives:

465 (i) under [~~the~~] each party name and emblem, if any; or  
466 (ii) under [~~the~~] each title of the party or group as designated by them in their  
467 certificates of nomination or petition, or, if none is designated, then under some suitable title;

468 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,  
469 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

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

472 (d) the ballots contain no other names.

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

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

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

478 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of  
479 the column;

480 (d) the nonpartisan candidates are grouped according to the office for which they are  
481 candidates;

482 (e) the names in each group are placed in alphabetical order with the surnames last,  
483 except for candidates for the State Board of Education and local school boards;

484 (f) the names of candidates for the State Board of Education are placed on the ballot as  
485 certified by the lieutenant governor under Section 20A-14-105;

486 (g) if candidates for membership on a local board of education were selected in a  
487 primary election, the name of the candidate who received the most votes in the primary election  
488 is listed first on the ballot;

489 (h) if candidates for membership on a local board of education were not selected in the  
490 primary election, the names of the candidates are listed on the ballot in the order determined by  
491 a lottery conducted by the county clerk; and

492 (i) each group is preceded by the designation of the office for which the candidates



493 seek election, and the words, "Vote for one" or "Vote for two or more," according to the  
494 number to be elected.

495 (4) Each election officer shall ensure that:

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

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

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

502 Section 7. Section **20A-6-302** is amended to read:

503 **20A-6-302. Paper ballots -- Placement of candidates' names.**

504 (1) Each election officer shall ensure, for paper ballots in regular general elections,  
505 that:

506 (a) except for candidates for state school board and local school boards:

507 (i) each candidate is listed by ~~[party]~~ each political party that nominated the candidate;  
508 and

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

511 (b) the names of candidates for the State Board of Education are placed on the ballot as  
512 certified by the lieutenant governor under Section 20A-14-105;

513 (c) if candidates for membership on a local board of education were selected in a  
514 regular primary election, the name of the candidate who received the most votes in the regular  
515 primary election is listed first on the ballot; and

516 (d) if candidates for membership on a local board of education were not selected in the  
517 regular primary election, the names of the candidates are listed on the ballot in the order  
518 determined by a lottery conducted by the county clerk.

519 (2) (a) The election officer may not allow the name of a candidate who dies or  
520 withdraws before election day to be printed upon the ballots.

521 (b) If the ballots have already been printed, the election officer:

522 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a  
523 line through the candidate's name before the ballots are delivered to voters; and

524 (ii) may not count any votes for that dead or withdrawn candidate.

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

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

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

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

539 (e) If no qualified person files for the office of county attorney or if the candidate is not  
540 elected by the voters, the county legislative body shall appoint the county attorney as provided  
541 in Section 20A-1-509.2.

542 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on  
543 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the  
544 two consecutive terms immediately preceding the term for which the candidate is seeking  
545 election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an  
546 unopposed candidate the same as any other unopposed candidate for another office, unless a  
547 petition is filed with the county clerk before the date of that year's primary election that:

548 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

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

552 (4) (a) When there is only one candidate for district attorney at the regular general  
553 election in a prosecution district that has three or fewer registered voters of the district who are  
554 licensed active members in good standing of the Utah State Bar, the county clerk shall cause

555 that candidate's name and party affiliation, if any, to be placed on a separate section of the  
556 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
557 attorney? Yes \_\_\_\_ No \_\_\_\_."

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

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

563 (d) When the name of only one candidate for district attorney is printed on the ballot  
564 under authority of this Subsection (4), the county clerk may not count any write-in votes  
565 received for the office of district attorney.

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

569 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on  
570 the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the  
571 two consecutive terms immediately preceding the term for which the candidate is seeking  
572 election, Subsection (4)(a) shall not apply and that candidate shall be considered to be an  
573 unopposed candidate the same as any other unopposed candidate for another office, unless a  
574 petition is filed with the county clerk before the date of that year's primary election that:

575 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and

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

579 Section 8. Section **20A-6-303** is amended to read:

580 **20A-6-303. Regular general election -- Ballot sheets.**

581 (1) Each election officer shall ensure that:

582 (a) copy on the ballot sheets or ballot labels, as applicable, are arranged in  
583 approximately the same order as paper ballots;

584 (b) the titles of offices and the names of candidates are printed in vertical columns or in  
585 a series of separate pages;

586 (c) the ballot sheet or any pages used for the ballot label are of sufficient number to  
587 include, after the list of candidates:

588 (i) the names of candidates for judicial offices and any other nonpartisan offices; and  
589 (ii) any ballot propositions submitted to the voters for their approval or rejection;

590 (d) (i) a voting square or position is included where the voter may record a straight  
591 party ticket vote for all the candidates of one party by one mark or punch; and  
592 (ii) the name of each political party listed in the straight party selection area includes  
593 the word "party" at the end of the party's name;

594 (e) the tickets are printed in the order determined by the county clerk;

595 (f) the office titles are printed immediately adjacent to the names of candidates so as to  
596 indicate clearly the candidates for each office and the number to be elected;

597 (g) ~~[the party designation of each candidate]~~ the candidate is listed once for each  
598 political party nomination the candidate receives and the political party designation is printed  
599 immediately adjacent to the candidate's name; and

600 (h) (i) if possible, all candidates for one office are grouped in one column or upon one  
601 page; and

602 (ii) if all candidates for one office cannot be listed in one column or grouped on one  
603 page:

604 (A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of  
605 candidates is continued on the following column or page; and

606 (B) approximately the same number of names shall be printed in each column or on  
607 each page.

608 (2) Each election officer shall ensure that:

609 (a) proposed amendments to the Utah Constitution are listed in accordance with  
610 Section 20A-6-107;

611 (b) ballot propositions submitted to the voters are listed in accordance with Section  
612 20A-6-107; and

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

615 Section 9. Section **20A-6-304** is amended to read:

616 **20A-6-304. Regular general election -- Electronic ballots.**

- 617 (1) Each election officer shall ensure that:
- 618 (a) the format and content of the electronic ballot is arranged in approximately the
- 619 same order as paper ballots;
- 620 (b) the titles of offices and the names of candidates are displayed in vertical columns or
- 621 in a series of separate display screens;
- 622 (c) the electronic ballot is of sufficient length to include, after the list of candidates:
- 623 (i) the names of candidates for judicial offices and any other nonpartisan offices; and
- 624 (ii) any ballot propositions submitted to the voters for their approval or rejection;
- 625 (d) (i) a voting square or position is included where the voter may record a straight
- 626 party ticket vote for all the candidates of one party by making a single selection; and
- 627 (ii) the name of each political party listed in the straight party selection area includes
- 628 the word "party" at the end of the party's name;
- 629 (e) the tickets are displayed in the order determined by the county clerk;
- 630 (f) the office titles are displayed above or at the side of the names of candidates so as to
- 631 indicate clearly the candidates for each office and the number to be elected;
- 632 (g) ~~[the party designation of each candidate]~~ the candidate is listed once for each
- 633 political party nomination the candidate receives and the political party designation is displayed
- 634 adjacent to the candidate's name; and
- 635 (h) if possible, all candidates for one office are grouped in one column or upon one
- 636 display screen.
- 637 (2) Each election officer shall ensure that:
- 638 (a) proposed amendments to the Utah Constitution are displayed in accordance with
- 639 Section 20A-6-107;
- 640 (b) ballot propositions submitted to the voters are displayed in accordance with Section
- 641 20A-6-107; and
- 642 (c) bond propositions that have qualified for the ballot are displayed under the title
- 643 assigned to each bond proposition under Section 11-14-206.
- 644 Section 10. Section **20A-6-305** is enacted to read:
- 645 **20A-6-305. Candidate listed on ballot for each party nomination -- Vote counting.**
- 646 An election officer shall:
- 647 (1) for a regular general election ballot and a municipal general election ballot, list a

648 candidate for a partisan office on the ballot once for each political party nomination or group of  
649 petitioners' petition the candidate receives; and

650 (2) subject to the provisions of Subsection 20A-4-105(12), combine all votes for a  
651 candidate for the final count for the candidate.

652 Section 11. Section **20A-6-401.1** is amended to read:

653 **20A-6-401.1. Ballots for partisan municipal primary elections.**

654 (1) If a municipality is using paper ballots, each election officer shall ensure that:

655 (a) all paper ballots furnished for use at the regular primary election:

656 (i) are perforated to separate the candidates of one political party from those of the  
657 other political parties so that the voter may separate the part of the ballot containing the names  
658 of the political party of the voter's choice from the rest of the ballot;

659 (ii) have sides that are perforated so that the outside sections of the ballot, when  
660 detached, are similar in appearance to the inside sections of the ballot when detached; and

661 (iii) contain no captions or other endorsements except as provided in this section;

662 (b) the names of all candidates from each party are listed on the same ballot in one or  
663 more columns under [~~their~~] each party name and emblem for which the candidate receives a  
664 nomination;

665 (c) the political parties are printed on the ballot in the order determined by the county  
666 clerk;

667 (d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the  
668 top of the ballot;

669 (ii) the ballot number and the words "Poll Worker's Initials \_\_\_\_" are printed on the  
670 stub; and

671 (iii) ballot stubs are numbered consecutively;

672 (e) immediately below the perforated ballot stub, the following endorsements are  
673 printed in 18-point bold type:

674 (i) "Official Primary Ballot for \_\_\_\_ County, Utah";

675 (ii) the date of the election; and

676 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

677 (f) after the facsimile signature, the political party emblem and the name of the  
678 political party are printed;

679 (g) after the party name and emblem, the ballot contains the following printed in not  
680 smaller than 10 point bold face, double leaded type: "Instructions to Voters: To vote for a  
681 candidate, place a cross (X) in the square immediately adjacent to the name of the person for  
682 whom you wish to vote and in no other place. [~~Do not vote for any candidate listed under more  
683 than one party or group designation.~~]", followed by two one-point parallel horizontal rules;

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

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

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

693 (k) the candidate groups are separated from each other by one light and one heavy line  
694 or rule; and

695 (l) the nonpartisan candidates are listed as follows:

696 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"  
697 is printed in reverse type in an 18-point solid rule that extends the full width of the type copy of  
698 the party listing above; and

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

702 (2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer  
703 may require that:

704 (i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary  
705 election consist of several groups of pages or display screens, so that a separate group can be  
706 used to list the names of candidates seeking nomination of each qualified political party, with  
707 additional groups used to list candidates for other nonpartisan offices;

708 (ii) the separate groups of pages or display screens are identified by color or other  
709 suitable means; and

710 (iii) the ballot or ballot label contain instructions that direct the voter how to vote the  
711 ballot.

712 (b) If a municipality is using ballot sheets or electronic ballots, each election officer  
713 shall:

714 (i) for municipalities using punch card ballots, ensure that the ballot label provides a  
715 means for the voter to designate the political party in whose primary the voter is voting; and

716 (ii) determine the order for printing the names of the political parties on the ballot  
717 label.

718 Section 12. Section 20A-9-201 is amended to read:

719 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
720 **more than one political party prohibited with exceptions -- General filing and form**  
721 **requirements -- Affidavit of impecuniosity.**

722 (1) Before filing a declaration of candidacy for election to any office, a person shall:

723 (a) be a United States citizen; and

724 (b) meet the legal requirements of that office.

725 (2) (a) Except as provided in Subsection (2)(b), a person may not~~[(i)]~~ file a  
726 declaration of candidacy for, or be a candidate for, more than one office in Utah during any  
727 election year~~[; or]~~.

728 ~~[(ii) appear on the ballot as the candidate of more than one political party.]~~

729 (b) A person may declare no more than three political party affiliations for the same  
730 office.

731 ~~[(b)]~~ (c) A person may file a declaration of candidacy for, or be a candidate for,  
732 President or Vice President of the United States and another office, if the person resigns the  
733 person's candidacy for the other office after the person is officially nominated for President or  
734 Vice President of the United States.

735 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any  
736 declaration of candidacy, the filing officer shall:

737 (A) read to the prospective candidate the constitutional and statutory qualification  
738 requirements for the office that the candidate is seeking; and

739 (B) require the candidate to state whether or not the candidate meets those  
740 requirements.



741 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
742 county clerk shall ensure that the person filing that declaration of candidacy is:

743 (A) a United States citizen;

744 (B) an attorney licensed to practice law in Utah who is an active member in good  
745 standing of the Utah State Bar;

746 (C) a registered voter in the county in which he is seeking office; and

747 (D) a current resident of the county in which he is seeking office and either has been a  
748 resident of that county for at least one year or was appointed and is currently serving as county  
749 attorney and became a resident of the county within 30 days after appointment to the office.

750 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
751 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
752 candidacy is:

753 (A) a United States citizen;

754 (B) an attorney licensed to practice law in Utah who is an active member in good  
755 standing of the Utah State Bar;

756 (C) a registered voter in the prosecution district in which he is seeking office; and

757 (D) a current resident of the prosecution district in which he is seeking office and either  
758 will have been a resident of that prosecution district for at least one year as of the date of the  
759 election or was appointed and is currently serving as district attorney and became a resident of  
760 the prosecution district within 30 days after receiving appointment to the office.

761 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the  
762 county clerk shall ensure that the person filing the declaration of candidacy:

763 (A) as of the date of filing:

764 (I) is a United States citizen;

765 (II) is a registered voter in the county in which the person seeks office;

766 (III) (Aa) has successfully met the standards and training requirements established for  
767 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
768 Certification Act; or

769 (Bb) has passed a certification examination as provided in Section 53-6-206; and

770 (IV) is qualified to be certified as a law enforcement officer, as defined in Section  
771 53-13-103; and

772 (B) as of the date of the election, shall have been a resident of the county in which the  
773 person seeks office for at least one year.

774 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant  
775 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
776 Education member, the filing officer shall ensure:

777 (A) that the person filing the declaration of candidacy also files the financial disclosure  
778 required by Section 20A-11-1603; and

779 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is  
780 provided to the lieutenant governor according to the procedures and requirements of Section  
781 20A-11-1603.

782 (b) If the prospective candidate states that he does not meet the qualification  
783 requirements for the office, the filing officer may not accept the prospective candidate's  
784 declaration of candidacy.

785 (c) If the candidate meets the requirements of Subsection (3)(a) and states that he meets  
786 the requirements of candidacy, the filing officer shall:

787 (i) inform the candidate that:

788 (A) the candidate's name will appear on the ballot as it is written on the declaration of  
789 candidacy;

790 (B) the candidate may be required to comply with state or local campaign finance  
791 disclosure laws; and

792 (C) the candidate is required to file a financial statement before the candidate's political  
793 convention under:

794 (I) Section 20A-11-204 for a candidate for constitutional office;

795 (II) Section 20A-11-303 for a candidate for the Legislature; or

796 (III) local campaign finance disclosure laws, if applicable;

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

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

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

- 805 (A) signing the pledge is voluntary; and
- 806 (B) signed pledges shall be filed with the filing officer;
- 807 (v) accept the candidate's declaration of candidacy; and

808 (vi) if the candidate has filed for a partisan office, provide a certified copy of the  
809 declaration of candidacy to the chair of the county or state political party of which the  
810 candidate is a member.

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

- 813 (i) accept the candidate's pledge; and
- 814 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
815 candidate's pledge to the chair of the county or state political party of which the candidate is a  
816 member.

817 (4) Except for presidential candidates, the form of the declaration of candidacy shall be  
818 substantially as follows:

819 "State of Utah, County of \_\_\_\_\_

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

828 \_\_\_\_\_

829 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

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

831 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
832 is:

- 833 (i) \$25 for candidates for the local school district board; and

834 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person  
835 holding the office, but not less than \$5, for all other federal, state, and county offices.

836 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
837 any candidate:

838 (i) who is disqualified; or

839 (ii) who the filing officer determines has filed improperly.

840 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
841 from candidates.

842 (ii) The lieutenant governor shall:

843 (A) apportion to and pay to the county treasurers of the various counties all fees  
844 received for filing of nomination certificates or acceptances; and

845 (B) ensure that each county receives that proportion of the total amount paid to the  
846 lieutenant governor from the congressional district that the total vote of that county for all  
847 candidates for representative in Congress bears to the total vote of all counties within the  
848 congressional district for all candidates for representative in Congress.

849 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
850 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
851 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
852 a financial statement filed at the time the affidavit is submitted.

853 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

854 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
855 statement filed under this section shall be subject to the criminal penalties provided under  
856 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

857 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
858 considered an offense under this title for the purposes of assessing the penalties provided in  
859 Subsection 20A-1-609(2).

860 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
861 substantially the following form:

862 "Affidavit of Impecuniosity

863 Individual Name \_\_\_\_\_

864 Address \_\_\_\_\_

865 Phone Number \_\_\_\_\_

866 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
867 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
868 law.

869 Date \_\_\_\_\_ Signature \_\_\_\_\_

870 Affiant

871 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

872 \_\_\_\_\_  
873 (signature)

874 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_ "

875 (v) The filing officer shall provide to a person who requests an affidavit of  
876 impecuniosity a statement printed in substantially the following form, which may be included  
877 on the affidavit of impecuniosity:

878 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
879 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
880 penalties, will be removed from the ballot."

881 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
882 under this Subsection (5)(d) file a financial statement on a form prepared by the election  
883 official.

884 (6) Any person who fails to file a declaration of candidacy or certificate of nomination  
885 within the time provided in this chapter is ineligible for nomination to office.

886 (7) A declaration of candidacy filed under this section may not be amended or  
887 modified after the final date established for filing a declaration of candidacy.

888 Section 13. Section **20A-9-404** is amended to read:

889 **20A-9-404. Municipal primary elections.**

890 (1) (a) Except as otherwise provided in this section, candidates for municipal office in  
891 all municipalities shall be nominated at a municipal primary election.

892 (b) Municipal primary elections shall be held:

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

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

896 (2) If the number of candidates for a particular municipal office does not exceed twice  
897 the number of persons needed to fill that office, a primary election for that office may not be  
898 held and the candidates are considered nominated.

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

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

905 (ii) Any primary election exemption ordinance adopted under the authority of this  
906 subsection remains in effect until repealed by ordinance.

907 (c) (i) A convention or committee may not nominate more than one group of  
908 candidates or have placed on the ballot more than one group of candidates for the municipal  
909 offices to be voted upon at the municipal election.

910 (ii) A convention or committee may nominate a person who has been nominated by a  
911 different convention or committee.

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

915 (d) (i) The convention or committee shall prepare a certificate of nomination for each  
916 person nominated.

917 (ii) The certificate of nomination shall:

918 (A) contain the name of the office for which each person is nominated, the name, post  
919 office address, and, if in a city, the street number of residence and place of business, if any, of  
920 each person nominated;

921 (B) designate in not more than five words the political party that the convention or  
922 committee represents;

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

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

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

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

933 (iii) Certificates of nomination shall be filed with the clerk not later than the sixth  
934 Tuesday before the November municipal election.

935 (e) A committee appointed at a convention, if authorized by an enabling resolution,  
936 may also make nominations or fill vacancies in nominations made at a convention.

937 (f) The election ballot shall substantially comply with the form prescribed in [Title  
938 ~~20A,~~] Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name  
939 shall be included with the candidate's name by listing the candidate once for each political  
940 party nomination the candidate receives.

941 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the June 1  
942 that falls before the regular municipal election that:

943 (i) exempts the city from the other methods of nominating candidates to municipal  
944 office provided in this section; and

945 (ii) provides for a partisan primary election method of nominating candidates as  
946 provided in this Subsection (4).

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

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

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

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

956 (C) is substantially similar to the form of the signature sheets described in Section  
957 20A-7-303; and

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

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

962 (ii) If the number of candidates for a particular office exceeds twice the number of  
963 offices to be filled at the regular municipal election, those candidates for municipal office shall  
964 be nominated at a partisan primary election.

965 (d) The clerk shall ensure that:

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

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

970 (iii) the names of candidates of all parties are printed:

971 (A) on the same ballot[~~, but~~]; and

972 (B) under [~~their~~] each party designation for which the candidate receives a nomination;

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

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

979 (e) After marking a municipal primary ballot, the voter shall:

980 (i) detach the part of the ballot containing the names of the candidates of the party he  
981 has voted from the rest of the ballot;

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

984 (iii) fold the remainder of the ballot containing the names of the candidates of the  
985 parties for whom the elector did not vote and deposit it in the blank ballot box.

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



**Legislative Review Note**  
as of 2-18-11 6:18 AM

**Office of Legislative Research and General Counsel**